Ontario

A COMPARATIVE SURVEY OF ELECTION FINANCE LEGISLATION
1983

COMMISSION ON ELECTION
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AN INTRODUCTORY NOTE

In 1978, the Ontario Commission on Election Contributions and Expenses published "A Comparative Survey of Election Finance Legislation". At that time, election finance legislation was a relatively new concept in most Canadian jurisdictions and the Survey attempted to cast some light on the background and possible implications of these new regulatory laws. Since that time, most Canadian legislatures have amended their election finance acts, to a greater or lesser extent, in response to the requirement of improvement, efficiency, and, in some cases, changes in political climate.

Part One of this study is largely a catalogue of current Canadian laws concerning election finance. Changes implemented during the past five years have been incorporated into the text and into the survey synopses which appear in Part Three. While the text of Part One focuses on the provisions and mechanics of the existing legislation, a number of side issues related to the legislation are discussed. These issues include the problem created by spending and contribution limitation in the economy of the 1980's, advocacy and government advertising, and the impending constitution's challenges to campaign finance legislation.

Part Two of this study is concerned with election finance legislation in the United States of America. Canadian legislators were, to some extent, given the impetus to enact election finance legislation by the American reforms which took place in the years from 1972 to 1974. Since that time, the American experience has differed from the Canadian experience. Major issues in campaign financing such as public funding, the role of control bodies, advocacy spending by corporations, trade unions and special interest groups through what have come to be known as "political action committees" have had a major impact on the election finance legislation as it was originally enacted. Since these issues may surface at some time in Canada, a discussion of American campaign finance laws at the federal and state levels is included.

Synopses of all relevant legislation made available to the Commission by the jurisdictions under study before the date of writing appear in Part Three. Most jurisdictions are up-to-date as of December, 1983, and, where possible, imminent amendments have been noted in the text and synopses.

In preparing Part One of this survey, J. Patrick Boyer's Money and Message: The Laws Governing Election Financing, Advertising, Broadcasting and Campaigning in Canada, published in 1983 by Butterworth's, Toronto, was a primary research tool. Part Two of this survey is indebted to the publication of Washington-based Congressional Quarterly, Incorporated, and most particularly its third edition of Dollar Politics published in 1982.

The data for this survey was compiled by John S. LaCalamita, assisted by Joan Barton. Mr. LaCalamita was responsible for the writing of Parts One and Two. The study was supervised and edited by Anna Stevenson, Q.C., Research Director.

Finally, it would be remiss not to acknowledge the leadership of the Ontario Legislature in setting up the Commission on Election Contributions and Expenses and in enacting the broad, supporting legislation which the Commission has the responsibility of administering. It is hoped that this study will assist those involved in the political scene to evaluate the impact of election finance legislation, in its various forms, on all aspects of political activity.

PART ONE

LEGISLATION

IN

CANADIAN JURISDICTIONS

1983

I.1 OVERVIEW

In most democracies, political activity has generally been sponsored by private sources. Traditional democratic theory assumes that "..... all interests and points of view will receive financial support and expression in proportion to the numbers of their adherents".[1] Political resources tend to be spread unequally among classes and individuals however. Time, money, energy, education and attractive personal characteristics are generally more available to those in the upper strata of society. Of these, the single most important element is money.

Money, unlike most political resources, is liquid. It moves easily as well as silently, and it can buy most non-economic political resources. It is for this reason that most election finance legislation is directed towards monitoring and contracting the source and use of money.

(a) A Short History of Election Finance Legislation in Canada

At the time of Confederation, Canadian election law dealt only with the prohibition of corrupt practices such as treating and bribery. The first reform steps arose out of the Pacific Scandal of 1874, which involved the acceptance of a large donation by the governing Conservative Party from a private interest seeking a government contract. In the Dominion Elections Act of 1874,[2] the doctrine of agency was adopted. A single agent was vested with legal responsibility for the use of campaign funds and both candidate and agent were required to produce a statement of account with respect to how and where campaign funds were spent.

Under The 1874 Act, full disclosure was not compellable and the entire area of fund collection, as opposed to fund expenditure, was not dealt with.[3] The 1874 Act made no attempt to deal with the fact that funds were collected and expended by the central party, which also served as the main financial support of constituency level campaigns. Reporting at the constituency level was required only when the party leader or fund-raiser was himself a candidate.[4] The failure to acknowledge the reality of political parties as the main conduit of campaign funding persisted for another one hundred years.[5]

The absence of any control mechanism or of meaningful sanctions in the 1874 Act were fatal to the purpose of the Act.[6] While monetary penalties and misdemeanour sanctions were provided for candidates and agents wilfully making untrue statements, the initiative for the filing of complaints was left to the public at large. No means was provided by law for checking the accuracy of statements, no government official or independent agency had authority to investigate alleged violations of the Act and the Act made no provision for the collection, tabulation or publication of records.[7]

The Act was amended in 1891[8] to declare it a corrupt practice for anyone to aid a candidate in return for "valuable consideration", money, or the assurance of "any office, place or employment". Further amendments to the Act in 1906 prohibited Americans from assisting in Canadian elections. In 1908, the Act was amended to prohibit corporate contributions.[9] This ban on corporate contributions emerged from the short-lived, agrarian-based

Progressive Movement in North America and its natural antipathy for the the Eastern "money power" base. This prohibition did not prove to be an obstacle to the business community, however. Since political parties remained undefined in law, corporations were in violation only if contributions were made directly to candidates. No prosecutions were brought under this amendment.[10]

A further amendment in 1920 included all companies and associations in the ban on corporate donations, regardless of incorporation.[11] This brought trade unions under the law. The period from 1920 to 1970 reflected a continuing lassez-faire approach to election finance regulation.

Prior to 1974, election expenses in Canada at the federal level were governed by the old Canada Elections Act.[12] Candidates were required to designate an offical agent through whom all expenditures save personal expenses up to $2,000 were to be paid. All contributions to the candidate had to be made through the official agent. Detailed sworn statements of a candidate's election financing were to be submitted to constituency returning officers by the candidate's agent within sixty days after election day, accompanied by a declaration by the candidate confirming his agent's statement. The constituency returning officer was under an obligation to publish sworn statements, in summary form, in a newspaper serving the constituency concerned. All supporting documents submitted were to be available for public inspection for a six month period, at a nominal charge.

Penalties for failure to file a report included a maximum fine of $500 or imprisonment up to one year or both. Failure to pay the fine could lead to a maximum prison term of three months. The law also stipulated that a sitting Member could be fined for each day he sat in the House without having submitted a report. Wilful falsification of reports was an indictable offence which could also lead to disqualification from sitting in the House for seven years for a corrupt act and five years for an illegal act. These penalties obtained for the candidate if the offence was committed by the official agent with the candidate's knowledge.

Aside from the problem of enforcement, the pre-1974 law virtually ignored money passing through national or provincial party organizations. The candidate's declaration, if filed, revealed little of the true funding and expenditure picture. Small local donations and large sums received from party associations and national fund raisers were lumped together on reporting sheets, precluding accurate analysis.[13] As well, there was no provision for disclosure of large givers or the itemization of national party spending. While the government was prepared to pay the cost of voter enumeration, of poll-workers and of free time partisan broadcasting on the Crown-owned Canadian Broadcasting Corporation, no direct public subsidies existed. Indirect subsidies such as tax advantages for partisan donations were also non-existent. Finally, candidate declarations were never verified, and public disclosure of these declarations came too long after polling day and in too fragmented a form to be of much use or interest.[14]

The movement for reform that culminated in the election financing regulatory framework of the mid-1970s began in the 1960s. At the federal level, five election campaigns between 1957 and 1965 had strained party funds to the breaking point. The rise in the cost and importance of television in an election campaign compounded this problem. At the provincial level, impetus was given to calls for federal reforms by the pioneering legislation enacted in Quebec in 1963, which introduced spending limits and public subsidies for candidates and gave formal recognition to political parties for their role in the funding structure.[15]

As a result, a federal Advisory Committee on Election Expenses was appointed on October 27, 1964. Chaired by Alphonse Barbeau, the Committee began from the premise that "for almost half a century nothing of significance to election expenses has changed in the federal statutes".[16] The final report of the Committee was tabled in the House by the Secretary of State on October 11, 1966. Recommendations included bringing parties under the law as responsible bodies; broadening the base of political participation through a system of subsidies; reducing overall election costs by means of the institution of shorter campaign periods and media spending limits; requiring complete disclosure by candidates; and enforcement, auditing and publication through a separate office to be called the "Registrar".[17]

The issue arose again in 1971 with the Second Report of the House of Commons Special Committee on Election Expenses.[18] This report made fifty-two recommendations largely supporting the conclusions of the Barbeau Report. The idea of a "Registrar" separate from the Chief Electoral Officer was rejected, however.

Following the 1972 general election, Bill C-203 was introduced in the House. Two major factors influenced the content and the passing of this Bill, which was destined to become the Election Expenses Act, 1974.[19] The first factor was awareness of the public of questionable fund raising practices in the United States which resulted from the "Watergate" scandal. This was compounded by the fact that, prior to 1974, Nova Scotia, Manitoba and Saskatchewan had implemented spending controls in provincial contests and that in 1972, the Ontario government had asked the Ontario Commission on the Legislature to study campaign financing reform.[20] Under the circumstances, the Legislature considered that action should be taken quickly to prevent public cynicism and alienation.

The second factor which led to the passing of the Election Expenses Act was the political reality of a minority government situation. The New Democratic Party held the balance of power and was consulted extensively both before Bill C-203 was introduced and during its passage. The New Democrats were firm in pushing for comprehensive disclosure legislation revealing the source and amount of campaign contributions. They also wished to exclude "volunteer labour" from election expense provisions. In return for these concessions, the minority Liberal government ensured that gifts in kind (which encompassed valuable trade union organizational skills and personnel used by the New Democrats) were included in the Act's restrictions. As well, any "volunteer" providing a service from which he normally earned his livelihood would be caught by the contribution provisions of the Act.

Provincial reforms in this period were equally wide-sweeping. Following the passage of the first Quebec reforms in 1963[12], Nova Scotia enacted the Quebec plan with certain changes. Manitoba had also enacted comprehensive disclosure provisions and a ban on corporate contributions during this period. Following the report of the Camp Commission on the Legislature (Third Report) in September, 1974, Ontario enacted detailed laws under the Election

Finances Reform Act.[22] Alberta patterned its new law[23] on the Ontario legislation, with the important deletion of an independent supervisory commission.

Concurrent with the passage of the Alberta legislation in 1977, the Parti Quebecois Government in Quebec passed extensive amendments[24] to its election finance laws banning corporate and union political contributions completely and instituting the most comprehensive system of public funding in Canadian jurisdictions. Administration and enforcement warranted the creation of a separate election officer exclusively responsible for these duties. In British Columbia, although reform was advocated in 1978 in a Royal Commission report,[25] the only changes made involved allowable tax deductions in connection with political contributions.[26]

As the 1980s began, Manitoba enacted new laws which did not regulate contributions, yet placed limits on media spending, allowed tax credits for contributions and created a separate Elections Commission to administer and enforce provisions. In June, 1981 Nova Scotia added a tax deduction scheme to its provisions. Both Saskatchewan and New Brunswick amended their election reform legislation in 1980-81,[27] and, in the same period, Newfoundland and Prince Edward Island were preparing draft legislation.

In 1983, provincial legislation was changed significantly. Both Quebec and Manitoba abolished the separate administrative bodies originally set up to deal expressly with election finance legislation. Quebec attained the further distinction of being the first jurisdiction to formally take its campaign finance legislation out of the ambit of the new Canadian Constitution.[28] In addition, Prince Edward Island proposed a bill incorporating public financing and reimbursement schemes, as well as strict control over party and candidate expenditures.[29] Of the ten provinces, therefore, only Newfoundland has yet to introduce election reform legislation, and new provisions are close to introduction there as well.

(b) Areas of Regulation: Approaches and Theory

Adamany and Agree have identified five problems associated with election reform legislation:[30]

> 1. To enable a nation with a private property economy and, consequently, a massive inequality of individual and institutional means to preserve opportunities for all its citizens to participate equally or nearly equally in financing politics.
>
> 2. To structure a system that will provide enough money for vigorous, competitive campaigns for public office. ...The public's interest here is not...the candidate's opportunity to promote his own career, but their opportunity to hear from candidates in a balanced way.
>
> 3. To ensure that each candidate is entitled to a fair share of the financial resources through a formula flexible enough to acknowledge newly emerging, as well as established movements, without rewarding frivolous candidates or propping up decaying political organizations.
>
> 4. To free candidates and elected officials from undesirable or disproportionate pressure and influence from contributors and to free citizens from pressure by politicians to give financial support to candidates or parties.
>
> 5. To prevent corruption - i.e., where explicit understandings accompany either solicitation or giving.

With respect to theory, Eric Anderson identifies five types of campaign finance legislation:[31]

(1) restrictions on the source of political money

(2) restrictions on the size of political contributions

(3) restrictions on the size and type of political campaign expenditures

(4) publication of the source of financial political support (disclosure)

(5) public subsidy for political campaigns

To these some authors have added the requirement of agency -- i.e. making one person responsible for both receiving and spending the candidate's money.[32]

(i) Contribution Limitations

Contributions can be limited by legislation with regard to source and size. Limitations on source are designed to keep the election process clean. The Barbeau Report identified the benefits of disclosure of contribution sources as two-fold. In the first place, special interest money is generally seen to pervert the democratic process through the promotion of "donations-for-favours". Secondly, laws restricting who may contribute have the effect of broadening the political financing base as funds are obtained from newer and more diffuse elements of society.[33]

For any system of contribution limitations to be effective, anonymous donations and interprovincial transfers must be prohibited. All donations from one source must be viewed by the law in the aggregate. Finally, reporting procedures must be periodic and take into account all party assets, including those producing an investment return. Even if these measures are taken, however, special interests possess many ways to subvert the intention of such measures. Prohibitions on corporate donations may prove little hindrance to "bonus" provisions to employees which find their way into the party system as individual contributions for example, or the general supply of volunteer goods and services which comprise a significant asset to partisan campaigns. Many jurisdictions, including the federal jurisdiction, have met the challenge of defining an effective law to regulate the movement of cash and in-kind contributions into the party system by encourging all interests (individual, corporate, labour, etc.) to support parties through the provision of tax incentive schemes while ignoring limitations on size.

Where contribution limitations are in place, a more complex system of rules prevails. Guided by equitable principles, the law must provide for valuation of goods and services, third party advertising, fund transfers within political structures, union check-offs, use of candidates' personal funds, disclosure of the size and identity of donors, inter-election contribution limits and a host of other subjects related to election financing. Furthermore, in order to maintain the integrity of a political system within a given jurisdiction, ex juris contributions must be regulated. The entire issue of political contributions by subsidiaries of American-owned corporations or locals of international trade unions is unsettled however. While policy in the jurisdiction of the American parent company or union is formed on the basis of legal prohibitions which exist in the United States, the provision of tax incentives in most Canadian jurisdictions openly encourage foreign-controlled subsidiaries to support the Canadian political process.

The greatest area of debate concerning contribution limitations revolves around the application of the law to multi-member organizations such as corporations and trade unions. While such organizations are directly affected by government decisions, the question of whether the leadership of these private institutions speak for their members or shareholders arises. Even if political contributions from these institutions reflect a majority view, the preferences of a minority element cannot in theory be ignored.[34]

Since the implementation of election financing schemes, corporate policy in Canada has adjusted to the idea of complete and open disclosure and has continued to supply the party system with substantial funding. Having largely accepted the advance toward greater state control over the corporate existence, corporate policy now seems to view political donations as an element of good public relations.[35]

With regard to union political contributions, the usual method of collection from the membership is through deductions from wages. These "check-offs" divert small amounts from workers' monthly pay cheques either directly to the New Democratic Party (the historical partisan choice of union leadership) or indirectly to the union's general fund, to be drawn on for political purposes at a later date. Collective agreements with management usually provide for employers to deduct check-offs and then to remit the amounts deducted to the trade union.

Political finance laws remain silent on the rights of dissenters where corporate or union contributions are concerned, as this would involve drawing a very difficult line between funds relevant to corporate economic well-being or collective bargaining and funds which abuse individual rights. In any case, monetary contributions often pale in comparison with other forms of union or corporate activity which campaign finance legislation labels as contributions. Such matters as placing union or corporate facilities at the disposal of partisan campaigns, loaning human expertise to parties during and between elections and providing in-house political education all comprise political assets which effective contribution limitation legislation must evaluate, however difficult that task may be. Aside from the problem of the individual dissenter, the main purpose of limitations on corporate and union political donations is to curb special advantages. Even if the views of the partisan beneficiary and the entire body of union members or stockholders were compatible, the allowance of large contributions by these associations would risk unbalanced access to the candidate.[36] The dilemma facing restrictions on the size of contributions is that too low a level strangles the party, while too high a level fails to act as an effective rein on the political finance system.[37]

(ii) Expenditure Limitations

In Canada, limitations on expenditures are the most frequently advocated form of election finance legislation. The premise upon which this advocacy is based is that spending limits directly reduce campaign imbalances, the overall need for money and the attendant temptation to accept contributions in return for political quid pro quos. Two statistical studies done at the federal level based upon data from the 1979 and 1980 general elections emphasize the determinative nature of spending patterns on electoral victory.[38] These studies conclude that riding candidates who spend the most money, particularly on print advertising, are likeliest to win. Challengers attempting to unseat incumbents must be prepared to spend over 90 per cent of current expenditure limits in order to have a chance of winning. While national radio and television advertising campaigns are effective, these studies show that riding level spending in these areas is not a cost-effective means of increasing a candidate's vote. Overall, in the 1980 federal campaign, the average expenditure at the candidate level was $10,400, exclusive of transportation and volunteer labour.[39] Winning candidates usually spent over twice this amount however, and successful challengers nearly three times this amount. (For supporting statistical evidence in table form, see Appendix I).

Any effective system of limitations on expenses must include: (1) comprehensive definitions of key terms such as "election expense" or "volunteer labour"; (2) practical limits on allowable expenditures; (3) phohibitions on spending by anyone other than authorized entities and (4) full reporting of all spending details by parties and candidates.

In Canadian politics, spending bodies exist at both the federal and provincial wings of a single party, at the constituency level and at the level of the candidate himself. Limitations must monitor the financial relationships which exist between these bodies. As well, legislators have had to decide whether to apply statutory spending limits only to the campaign period or to expand their application to inter-election financing in order to bring stockpiled assets under the ambit of the limiting provisions. Finally, the crucial decision whether to impose a single umbrella limitation on spending, or whether to impose segmental limitations on certain traditional aspects of campaign spending must be made. Canadian jurisdictions have employed both schemes to varying extents.

(iii) Disclosure and Reporting

Proponents of election financing reform in most jurisdictions have labelled disclosure provisions concerning the size and source of contributions and expenditures as the key element in any regulatory system. Disclosure serves an important monitoring function and acts as an important means of control in itself. Disclosure which is accomplished through publicity of returns has been questioned in the past. In 1977, the Manitoba Law Reform Commission produced a working paper[40] which outlined the concerns of those opposed to comprehensive disclosure. These concerns included the fear of invasion of privacy with respect to contribution disclosures, risk of persecution from other elements of society when a supporter of a minority party is revealed publicly, encouragement of evasion techniques, overly onerous accounting techniques which might disadvantage minor parties, and increased ambit for administrative interference in party affairs.

On the other hand, it can equally be argued that a financial contribution is a public rather than a private act because of its goal of influencing public opinion and voting patterns. The publicity aspect of disclosure further sheds light on "donations-for-favours" and gives parties and candidates a ready answer to charges of this nature. Disclosure in fact fosters public confidence in the political system and has had the effect of broadening the base of partisan donations. Furthermore, once a parallel system of public financing is instituted, it can well be argued that the public interest must demand scrupulous reporting and disclosure practices.[41] A concern for all jurisdictions seeking workable full disclosure is the accuracy of reporting procedures and the necessity of presenting a true picture of the state of candidate or party finances.[42] In order to be effective, reporting procedures must aim at clarity and at a format that the public can readily understand.

(iv) Public Funding for the Political Process

In most of Canada's electoral jurisdictions, some form of subsidies, reimbursements or the right to issue tax deductible receipts for political contributions is found. While legislation in Quebec, Prince Edward Island and New Brunswick allows for direct annual lump sum cash payments to political parties, most Canadian jurisdictions have instituted partial candidate reimbursements for election expenses only. Federal candidates and candidates in Saskatchewan, Ontario, Quebec, New Brunswick and shortly, Manitoba, may qualify for these partial subsidies by polling a minimum number of votes and by filing all required disclosure statements. The minimum percentage of votes required to qualify is 15 percent at the federal level, Nova Scotia, Ontario, Saskatchewan and Alberta, 20 percent in New Brunswick and Quebec, and 10 percent in the new Manitoba legislation.

Saskatchewan and Manitoba now permit public funding at the party level for parties whose candidates poll 15 and 10 percent of the aggregate vote, respectively. In Saskatchewan, the level of funding is one third of party expenses, to a maximum of $98,228. In Manitoba, the level is the lesser of 50 percent of allowable total expenses and 50 percent of actual expenses, excluding donations in kind. These maximum level provisions are significant in the context of candidate subsidies because without them, a recipient may actually profit by spending little on his campaign yet receiving the full subsidy for his success at the polls. In 1974, the Third Report of the Ontario Commission on the Legislature warned against this anomaly.[43] It recommended that subsidies be paid only to cover the shortfall between receipts and expenses to a proposed maximum. As enacted however, the Ontario legislation has failed to take note of this anomaly.

Specific or indirect public funding can also be provided in the form of free or subsidized use of postal or broadcasting facilities. An example of an indirect subsidy is the provision in federal law of a 50 percent reimbursement for party purchases of broadcast time. This provision has resulted in millions of public dollars being remitted to the parties in the 1979 and 1980 general elections. Free time periods provided by broadcasting networks also represent an indirect subsidy.

The system of tax incentives currently in place include tax deductions and tax credits. Tax credits apply to taxable income, whereas the tax deductions go towards the reduction of actual tax payable. In the scheme of a progressive taxation system, tax deductions have been attacked as offering greater relative savings to upper income earners. In both cases, however, the effect is to stimulate contributions to parties and candidates at the expense of public revenue.

In all of the above provisions there is an often unstated concern that rising costs, especially in the area of mass communications, have increased the dependence of political parties and candidates on financial resources. Public funding systems therefore encourage needy candidates to mount at least a minimal campaign for public office. They also spread the burden of financing the democratic process more equitably among the governed.

Given these reform aims, it is perhaps easy to advocate total public funding for all aspects of election campaigns. The inequity of an apportionment formula which must necessarily depend upon past electoral results would make this innovation complicated. The risk of interfering with the ebb and flow of political history by subsidizing moribund parties or impeding new parties and independent candidates is perhaps too great, however.[44]

Reimbursement schemes based on percentage of votes polled also have their detractors in that these techniques tend to favour the status quo. Legislators have responded to this criticism by proposing to lower the threshold of votes required to qualify for public reimbursement. Further complaint is that the reimbursements are paid out after the campaign, thus failing to meet immediate financing needs and imposing a system of expenditure planning upon parties and candidates that could lead to unexpected debts should the candidate fail to qualify.

The area of inter-election or on-going party financing is vital to the health of the political process, yet only three Canadian jurisdictions, Quebec, New Brunswick and Prince Edward Island, provide for annual party subsidies, based on representation in the Legislature.

The impact of public funding schemes on the political process in Canada has been enormous. Party income has increased and the contribution base has been widened largely through the use of tax credits. Nonetheless, corporate donations remain the major source of funds for the two old-line parties at all levels. The significance of the broadening of the contribution base, however slight this may be in relative terms, is the change in fund-raising attitudes. Through the use of mass mailings, direct mail campaigns and fund-raising functions, parties have been able to trumpet tax incentives as a key attraction for the individual contributor. As well, the growth of low-level contributions has made riding associations wealthier, thus changing the structure of the parties themselves, and according local associations the ability to assert more independence on intra-party issues.

(v) Enforcement and Penalties

The history of weakness in enforcement occupies a special place in past attempts to regulate campaign financing in Canada. The Manitoba Law Reform Commission Report of 1978 described this history as one of "abysmal neglect".[45] Often the onus of poor enforcement lies not in the body charged with enforcement but with the incapability of the law to be enforced. Regardless of intent, past laws have been unenforced, through undue complexity, inadequacy or sheer unenforceability. While technical offences are less severe and are based on strict liability, substantive offences require the more difficult proof of intent.

The greatest area of concern in enforcement has been the choice of body authorized to police contraventions. There is little consensus in Canada on this issue. As noted previously, the 1966 Barbeau Report recommended the establishment of a separate and independent enforcement office, largely because of the perceived impropriety of involving the Chief Electoral Officer in a potentially controversial decision to prosecute a party or candidate. The current enforcement picture in Canada continues to rely on extant offices for enforcement duties however. At the federal level, enforcement duties concerning certain aspects of reporting have fallen on the Minister of Revenue and the Chief Electoral Officer, to the extent that these offices aid the general enforcement duties of the Commissioner of Canada Elections. While there is an independent enforcement body still thriving in the province of Ontario, two other provinces which formerly had independent bodies - Quebec and Manitoba - retrenched in 1983 and returned enforcement responsibilities to the office of the Chief Electoral Officer. All other provinces with election finance legislation in place continue to vest enforcement and control duties with the Chief Electoral Officer. In most jurisdictions, when an alleged violation comes to the attention of the Chief Electoral Officer, it is then referred to the Attorney-General for investigation and a decision regarding prosecution.

The most cogent reason for the separation of enforcement duties from the office of the Chief Electoral Officer is that the enforcement aspect of the legislation may become overwhelmed by administrative details flowing from other aspects of the legislation.[46]

Compliance has in large measure been facilitated by tying in subsidies and reimbursements to satisfactory attendance upon these obligations. For infractions of election finance legislation in jurisdictions across Canada, fines vary greatly for offences such as exceeding spending or contribution limitation, failure to file reports or reporting false information.

What follows is a brief and selective outline of major election finance provisions and related developments in Canadian jurisdictions. While each jurisdiction may take a different approach either on broad or narrow terms, the object of all regulatory constraints is to limit the connection between money and political power. One province and the Territories have still left such constraints beyond the power of their election laws.

I.2 THE FEDERAL SYSTEM IN 1983

(a) Bases of the Present Law

On July 14, 1974, amendments to both the Canada Elections Act and the Income Tax Act came into effect, signalling a new departure for federal campaign financing laws. Grouped under the title of the Election Expenses Act[47], these amendments were altered again in 1977 and 1983. Since 1974, reformers both in and out of Parliament have been faced with the challenge of ensuring that the basic legislative framework launched in that year remains vital. Administrative changes occupy much of the current discussions on improvement of federal law, but the fundamental premises upon which the law operates remain unchanged.

As enunciated in the 1966 Barbeau Report[48], the aims which the federal law sought to achieve were; 1) to create a more open administrative system of election financing through disclosure provisions for both contributions and expenditures; 2) to employ ceilings as a method of equalizing the amount of money candidates might spend on campaigns, and 3) to employ a tax incentive program for political donations in order to increase voter participation in the political process. The combination of disclosure provisions, spending limitations, public financing provisions and tax incentives were viewed, and continue to be viewed, as interdependent, necessary elements of federal campaign finance legislation.

Notably absent from the federal framework since its inception are limitations on party and candidate contributions. The Canada Elections Act does not formally recognize party constituency associations.

Public financing schemes are legislated into federal law in the form of reimbursement from public funds for enumerated "expenses", as defined by the Canada Elections Act.

The concept of administrative control emerges in the network of rules relating to financial contributions, overseeing of expenditures and repayment of expenses. Emphasis is placed throughout on the "registration" of parties and their agents. Both a tightening of these registration requirements in 1977 and the strict definition of "candidate" combine, in the eyes of some critics, to make it more difficult for new parties to register and therefore take advantage of the financial provisions outlined above necessary to compete with other established parties.[48]

The current Canada Elections Act provisions in the realm of election financing are the product of several years of refinement following the 1974 amendments. Much of this change occured as a result of agreements reached by an ad hoc committee made up of representatives of all parties represented in the House of Commons which met at intervals beginning on February 8, 1974.

The discussions conducted by this committee have clarified many of the controversies which had arisen since enactment. These included the definition of "auditor" and "volunteer labour" and the use of local riding association funds by candidates. As well, many provisions of the Election Expenses Act created new responsibilities for the Canadian Radio-Television and Telecommunications Commission (CRTC) and the Department of National Revenue (DNR). Thus, the CRTC, DNR and the government-owned broadcasting corporation (CBC) also contributed to the ad hoc committee's discussions concerning the refinement of broadcasting and tax guidelines pertinent to the new election laws. These involved questions of law and policy not canvassed by this study.

The process of amending the Canada Elections Act has remained largely the same between 1974 and 1983. Proposed amendments put forward by the Office of the Chief Electoral Officer are studied by the Standing Committee on Privileges and Elections. Provisions of the Act dealing with election financing are for the most part looked at by the *ad hoc* committee. This amending process, having a degree of partisan input at the initial levels, is best suited to strengthening the desire to see the Act work as it was intended. By involving party organizations in the resolution of problem areas, the parties themselves have a vested interest in the smooth functioning of the campaign financing system.

The following sections constitute a very brief outline of the major campaign financing provisions of the Canada Elections Act, with all amendments from 1974 to 1983, including Bill C-169, which was passed by the House of Commons on October 25, 1983 and received third reading on November 3, 1983 and Royal Assent on November 17, 1983. For an informal study of the effects of current provisions on the party system and partisan politics, see Chapter One of Commission on Election Contributions and Expenses (Ontario), *Canadian Election Reform: Dialogue on Issues and Effects, 1982* (Toronto, 1982). Section (h) sets out the changes in the legislation which have resulted from Bill C-169.

(b) Party Registration and Agency

For the purposes of the Canada Elections Act, political parties are now fully recognized as legal entities.[49] The concept of agency was extended in the 1974 Act from the candidate and his "offical agent" to the party level. Parties are now also required to have a chief agent, who must be registered with the Chief Electoral Officer. Through the concept of agency, public accountability is imposed upon parties. Any infraction of the Act can lead to prosecution and fines of up to $25,000.

Since 1977, when amending Bill C-5 was passed, each new party applying for registration must supply the names, addresses, occupations and signatures of 100 electors who are members of the party. For a party to be registered for any election at hand, its application must be received prior to 60 days before the issuance of the writ of election. Party registration can only come into effect thereafter if the party has nominated at least 50 candidates at the next general election. The changes outlined above were introduced in 1977 largely as part of an attempt to reduce the number of parties seeking registration simply as a means of qualifying for tax incentive provisions.[50]

On the candidate level, the candidate himself bears the greatest degree of responsibility under the provision of the federal Act. If candidates, through their official agents, do not submit accurate reports within the time limits set out by the Act, both the candidate and official agent face investigation and possible prosecution by the Commissioner of Canada Elections.

(c) Controlling and Encouraging Contributions

Unlike some jurisdictions which restrict or prohibit corporate or labour union contributions, the Canada Elections Act makes provision for all sources of contributions, including those from individuals, businesses, commercial organizations, governments, trade unions, corporations without share capital other than trade unions and unincorporated organizations or associations other than trade unions.[51] Parties themselves may make contributions in the form of intra-party transfers and even from parties in other Canadian jurisdictions. Certain contributions for which an official tax receipt has been issued may give rise to a tax credit which is deductible from tax otherwise payable. Given that s.127(4.1) of the federal Income Tax Act defines contribution as cash or other negotiable instrument, receipts for tax purposes cannot be issued for contributions in the form of services or gifts in kind.

It should be noted that contributions collected for campaigns to win party nominations are deemed in section 2(2) of the Act to fall outside the ambit of control legislation. If a person incurs an election expense without being a candidate he is then guilty under section 70(1) of the Act.

Both contributions to parties and contributions to candidates must be channelled through the registered agent or the official agent. Money spent by a candidate on personal expenses in accordance with the Act may be exempt from this provision.

If the registered agent or the official agent cannot identify the class or name of a contributor, the amount received must be paid to the Receiver General. This provision is effectively a ban on the acceptance of anonymous donations by parties. The same provision as it applies to anonymous contributions to candidates is contained in section 62(4)(b).

As already noted, the aim of federal law is not to restrict the size or source of contributions, only to provide full and accurate disclosure when they exceed $100. Therefore federal parties and candidates may receive donations from sources outside Canada and provincial wings of federal parties, provided provincial law also permits this. In some provinces[52], these intra-party transfers, labelled as "contributions", are restricted to nominal amounts.

While there is no upper limit on the amounts that may be contributed to registered parties and candidates, the amount a donor may claim in tax deductions is finite. Section 127(3) of the Income Tax sets out a formula whereby the maximum tax advantage is reached with a contribution of $1,150. Deductions are allowable up to a maximum of $500 for contributions from individuals and corporations. Since unions do not pay income tax, they are not considered by tax incentive schemes. Receipts, which legitimize the tax deductibility of a donation, can only be issued to the contributor for the exact amount contributed and can only be issued by the registered agent of a party and the offical agent of a candidate or party, respectively.

Contributions in the form of the purchase of a ticket to a fund-raising dinner or other party function are also eligible for tax deduction. Indeed, the use of such fund-raising techniques is an important part of political financing, and often corporate entities and associations purchase entire "tables" comprising many tickets. In these situations, purchasers are normally notified by the party or candidate that the ticket price includes both a donation and the cost of the function. The cost of the function must be assessed by the registered or official agent and agreed to by the Department of National Revenue before tax receipts are issued on a fair market value basis.

In calculating the credit for the contributions made to registered parties by a taxpayer within a single tax year, the following formula is employed. A taxpayer may deduct from federal taxes otherwise payable: (1) 75 percent of total contributions under $100, (2) $75 plus 50 percent of the amount of contributions between $100 and $550 if the contribution is between $100 and $550, (3) $300 plus one-third of the excess if the contribution is greater than $550. The maximum credit allowed is $500, regardless of the size of the contribution over $550. This credit is reached with a donation of $1,150, and all credits are deducted from "tax otherwise payable" under Part I of the Income Tax Act, rather than from income. Because of this, political contribution claims cannot be carried over from one year to the next.[53]

(d) Spending Limits

The general aim of placing ceilings on spending is to facilitate the election of any citizen to the House of Commons and to remove the possibility of overwhelming expenditures. The Act also restricts the time period during which parties and candidates may advertise in the print and broadcasting media.[54]

Section 2(1) of the Act defines "election expenses" to include most conceivable items. Section 2(1) of the Act defines the "commerical value" of goods and services donated at less than this value. If the contributor is in the business of supplying these goods and services, their commerical value is deemed to be the lowest amount charged by him for an equivalent amount of goods or services at or about the same time they are donated. If the contributor is not in the business of supplying these goods and services, a fair market value is used, and the contribution is deemed to be an election expense if the fair market value is greater than $100.

With regard to the question of "volunteer labour" the Act defines the service as a contribution by a person made on his own time. Self-employed volunteers cannot perform services for which they would otherwise be paid. If a "volunteer" is nevertheless paid, the value of his work is automatically considered an election expense.

Section 13.1(7)(b) of the Canada Elections Act stipulates that all payments on behalf of a registered party must be by or through the party's registered agent. Only petty expenses, when authorized by the registered agent, can be paid by someone other than himself. Section 13.2 of the Act places a ceiling on expenditures by registered parties (see Appendix 2). This amount is equivalent to 30 cents multiplied by the number of names on the preliminary voting lists in all districts in which the party is running an official candidate. Parties are also restricted indirectly under section 13.7(1), from advertising in the media between the date of the issue of the writ and Sunday, the twenty-ninth day before polling day, or on polling day or the day immediately preceding polling day.

Candidate expenditure is limited by section 61.1 of the Act, which sets out a formula composed of the addition of three separate items - the assignation of a per capita value for each of three levels of voting list size (see Appendix 3 for the specific levels and values). Several expenditure items are not included for the purpose of section 61.1. They include the candidate's personal expenses as designated by the Chief Electoral Officer. Section 61.1(4) makes provision to raise the now-indexed spending limits in ridings where the number of names on the preliminary list of electors is below the average of all electoral districts. These limits may also be adjusted in respect to geographic considerations where the density of electors per square kilometre is less than ten; under Bill C-169, these limits are now indexed. See appendix 2 for the exact formula.

As with party expenditures, only the candidate's official agent may pay bills on behalf of the candidate, and except where the amount spent is less than $25, the agent must produce a particularized voucher to authenticate the payment.

One of the most delicate areas of expenditure limitations at the federal level is the area of expenditures by an individual and/or by an organization other than a registered party or a candidate. The defence that was provided in section 70.1 was removed in order to strengthen the basic principle of equality contained in the Act and hence prevent third parties from incurring election expenses to promote or oppose a candidate or a political party unless these expenses are incurred on behalf of a particular candidate or a particular political party.

While spending limits appear to be comprehensive, at the party level at least there is no feeling of restriction among partisan activists. Despite the fact that election costs have increased steadily, the amounts spent by the major parties in the last two elections are still within the ceilings set by the legislation. (See

Appendix 5 for a summary and breakdown of party spending in the 1979 and 1980 general elections). This phenomenon is also seen in the restriction of available paid broadcast time for partisan advertising to a total of six and one-half hours. Even with a complex allocation formula, the major parties have not yet approached buying up all available time slots. The new formula in Bill C-169 has not as yet been tried out. New reimbursement formulae for parties deemphasize the purchase of broadcasting as reimbursement is based on total expenses.

(e) Reimbursements

Provided that parties and candidates comply with reporting and registration requirements, they are entitled to two forms of partial reimbursement of expenses under the current federal scheme.

Under section 63.1 of the Act, candidates who have submitted their auditor's report and personal declaration to the Chief Electoral Officer and who have been elected or have obtained at least 15 percent of the votes validly cast in their ridings, qualify for a reimbursement of 50 percent of their actual election expenses to a maximum of 50 percent of their expense limits. Regardless of whether the candidate achieves the 15 percent threshold to qualify for reimbursement, his auditor is entitled to reimbursement for his services. Candidate reimbursement figures for the 1979 and 1980 general elections are given in Appendix 6.

As well, the Act stipulates that registered parties will be entitled to a reimbursement of 22.5 percent of their actual election expenses incurred, provided that the party has spent more than 10 percent of the maximum limits.

(f) Disclosure and Reporting

The area of financial reporting at the federal level revolves around a complicated array of forms and administrative provisions, all designed to expose party and candidate contributions and expenditures to public scrutiny.

The Act requires disclosure of the source of all funds received from contributors giving more than $100 in a year to a party or to a candidate at an election. Documents providing this information are available in the office of the returning officer for six months and thereafter at the office of the Chief Electoral Officer.

An accounting of the use made by these funds is also required. Six months after the end of the party's fiscal year, a return must be filed with the Chief Electoral Officer. This audited return must contain an itemization of contributions under a number of categories. Within six months of a general election, a statement of party expenses must be submitted. In addition, candidates must file detailed returns after each general election. The returns must be received by the constituency returning officer within four months of polling day. As well as the provision of names and addresses of contributors of sums over $100, the candidate must also provide vouchers for expenses greater than $25. With regard to candidate returns, section 63 of the Act provides clear direction as to the content required. Before the 1974 reforms, failure to file was common, since the old Canada Elections Act failed to designate a responsible enforcement office, the responsibilities of the Chief Electoral Officer not extending to candidate returns and the federal Minister of Justice neglecting these duties. The 1974 amendments created an appointed Commissioner of Election Expenses, now the

Commissioner of Canada Elections. In 1978, the Commissioner's role was expanded to include responsibility for compliance and enforcement of all provisions of the Canada Elections Act. Since 1974, if a candidate or his official agent fails to file returns in accordance with section 63, they are not only liable to fines and imprisonment in the event of prosecution and conviction, but are also guilty of an illegal practice, which operates to void any sitting or voting privileges for a period of five years. Since the creation of this enforcement office, candidates have faced the prospect of charges more often, and are therefore more likely to file returns.

(g) Enforcement and Control

Under Section 70(3) the Chief Electoral Officer is required to appoint a Commissioner of Canada Elections to perform enforcement duties. Section 70(4) provides that no action under section 115 of the Criminal Code[55] or under the offence provisions of the Act can be instituted except upon the written permission of the Commissioner.

(h) Changes in 1983

While the general public remains apathetic in the matter of future changes and adjustments to federal election financing legislation,[56] the federal government in 1983 adopted amendments to the existing provisions. These changes are now in place, but do not apply at an election for six months unless the Chief Electoral Officer publishes in the Canada Gazette that he will be ready to apply the provisions earlier.

The first area of change concerns the administration of paid time broadcasting allocation by party preference set out in s.99.1 of the Act. In the past the CRTC had been called upon to play both the role of mediator and its traditional role of regulator at once where allocative procedures were involved. What is now proposed is the creation of a new administrative office to perform the mediating and decision-making role between the parties. As well, the whole formula of broadcast time allocation set out in the Act is tightened.

In response to complaints that growth in spending limits were unfairly tied to growths in population rather than the rising cost of campaigning, the Legislature has introduced an indexing system for both party and candidate expenditure ceilings which is tied to the Consumer Price Index as published each year by Statistics Canada for the year ended December 31st, using 1980 as the base year. The factor to be used in indexing the limits will be published in the Canada Gazette by the Chief Electoral Officer to take effect on April 1st for the ensuing 12 months.

When first enacted, candidate rebates were estimated to be about 38 percent of a candidate's expenditures. The rebate formula was tied to the equivalent of one first class stamp for each elector on the preliminary voting list in the candidate's riding plus any adjustment depending upon lower population figures than the national average. However, the postal rates for a first-class letter (eight cents in 1974) have quadrupled. Thus, reimbursements to each candidate rose from the original 18 percent of expenditures to about 50 percent in the 1980 federal general election. Depending upon further postal rate increases, the figure in the 33rd general election may be as high as 75 to 90 percent.[57] The current legislation freezes the rebate level at 50 percent of the maximum permissable limit.

1.3 THE PROVINCES IN 1983

The subsections which follow provide a brief outline of the current state of legal reform in provincial election finance statutes. Where changes or amendment proposals have been made, these aspects will be high-lighted. At the time of writing, all provincial jurisdictions save Newfoundland had implemented some form of express regulation of campaign financing. The Elections Committee of the Newfoundland Legislature is in the final stages of its report on election finance legislation and subsidy payments, under the chairmanship of John Carter, M.H.A. Discussions with this commission in late 1983 indicate that the province may settle on a unique form of control and advance subsidy payments.

In some cases the spending limit approach has been favoured over the control on contributions. In Manitoba and Quebec independent enforcement bodies have been disbanded. In all cases comprehensive reporting and disclosure laws have been enacted. The very diversity of approach and scope which these laws manifest is an indication that debate concerning the most effective means of reform is far from settled in most provincial jurisdictions.

(a) Alberta

The key statute in the regulation of campaign financing in Alberta is the Election Finances and Contributions Disclosure Act,[58] which has been operating in the province since January 1, 1978, and which was patterned closely on reforms in Ontario which were promulgated three years earlier.

This act places a number of restrictions on political contributions. Only registered parties, candidates and constituency associations may receive contributions and there is a ceiling on the size of donation that may be given. Ex juris contributions and transfers from federal parties are strictly prohibited.[59]

While the provincial Elections Act[60] provides for corrupt practice offences related to expenditures, there is no limit on the amount of money parties and candidates may spend. As well, only candidates are required to file statements detailing expenditures.

The concept of agency has been imported into Alberta law largely in the wording and provisions of sections 40 and 44(2) of the Election Finances and Contributions Disclosure Act. The latter section stipulates that any act or omission done by the chief financial officer of a party, candidate or constituency association is deemed to have been done or omitted by that entity. The former section makes any filing or auditing contravention by the agent the responsibility of the represented entity. Agency law is also extended to a candidate's official agent with respect to expenditures.

Section 2(1) of the Act expressly exempts contributions toward a party leadership campaign or constituency nomination bid from any form of regulation. Although these funds need not be disclosed, neither can the beneficiary issue tax deduction receipts.

When election financing legislation came into force in the province in 1978, extant party funds were placed in trust funds. While this money and the bank interest earned by it could be spent as the parties saw fit, no new funds could be added to these accounts. Section 11 of the Act also provides that a candidate's excess funds and contributions at the end of a campaign must be placed in trust for future campaign use, although these funds may be transferred to the party or constituency association. Under section 2 of the Act, the constituency association could also set up a frozen trust prior to 1978 which, like the party trust fund, would be exempt from the general provisions of the Act. Nonetheless the trustees of these accounts must file reports with the Chief Electoral Officer on any expenditures or transfers from the trust funds or on the termination of the trusts[61].

With regard to the province's contribution-oriented approach to controlling the financing process, a number of provisions circumscribe donations. Section 5(1) of the Act prohibits contributors from donating to both the candidate and constituency association during campaigns. Contributions, furthermore, are directed solely to the constituency association during inter-election periods. Under sections 5, 7 and 8 of the Act, only registered parties, constituency associations and candidates may accept contributions. All contributions in excess of $40 from a single source must be recorded by the chief financial officer and the name and address of the contributor disclosed. Contribution records of donations made during the year and records of aggregate donations made during the campaign period are kept separately.

Section 15(1) sets limitations on the size of contributions. The maximum annual contribution limit for donations to parties is $15,000. For constituencies, the limit is $750 to any one association up to an aggregate limit of $3,750. During campaigns, in addition to these amounts a further $15,000 may be given to each registered party and a further $1,500 to any registered candidate up to an aggregate limit of $7,500. These limits apply to all sources including individuals, corporations, trade unions, employee organizations and candidates' personal funds.[62]

Anonymous contributions in excess of $40 cannot be accepted and if the donor cannot be ascertained in order to return such contribution, this money must be paid over to the Chief Electoral Officer for remittance to the province's General Revenue Fund. Contributions in the form of goods and services must be assessed for the purposes of the Act according to their fair market value at the time. Section 17(2) of the Act also regulates the donation of goods and services at less than their fair market value. In these cases, the amount of any discount is deemed to be a contribution. With regard to social fund raising functions, section 18(3) of the Act sets out a formula for calculating the extent to which the ticket price or other charge is a contribution. It should be noted that funds at functions raised by other means, such as passing a hat or profits made from the sale of refreshments, are not contributions for the purpose of the Act.

Payroll deductions for political purposes are specifically recognized by the Act in section 21(1). If the deduction is 15 cents per month or less, it does not fall within the ambit of the Act's provisions. Contributions through payroll deduction schemes of more than 15 cents per month are considered to be contributions. Any amounts contributed by trade unions or employee organizations directly from funds so collected are considered contributions. In the case of contributions from unincorporated associations such as partnerships, individual sources must be itemized by the association and so attributed.

. Subject to section 21 payroll deduction provisions, no contributor may contribute funds not actually belonging to him. No registered party, candidate, constituency association or their agent may knowingly accept contributions of this sort, and when chief financial officers learn that this provision has been violated, they have an affirmative duty to notify the Chief Electoral Officer in writing within 30 days.[63]

The Alberta Income Tax Act 113 was amended by the 1977 Election Finances and Contributions Disclosure Act to add a new section (section 8.6) dealing with tax incentives for political contributions. The formula is set out under the jurisdiction synopsis in Part Three of this study, and now exists as section 13 of the Alberta Income Tax Act. In 1980 Alberta enacted a separate income tax system for corporations. In the case of corporate tax deductions, the political contributions tax credit cannot be used to create a tax loss or achieve a refund. The tax credit can only be used to reduce tax payable to zero.[64] Unlike individual contributors, Alberta corporations may not carry forward their tax credit under this plan to subsequent tax years, whereas individuals may carry it forward for up to four years.

The only provisions in the Alberta Election Act relating to spending limitations involve prohibitions on vote-buying and treating (or entertaining) voters. The former is a corrupt practice and the latter is punishable by a maximum fine of $500. Section 176 of the Election Act exempts a list of payments from being considered corrupt practices, including travel, rental, equipment service and heating expenses. The onus is on the candidate to prove that these payments were "fair, reasonable and proper".

All funds received by parties, constituency associations and candidates must be reported, both after campaign periods and annually. All amounts in excess of $375 from a single source must be identified by the name and address of the contributor. The return must also list the total amount of all contributions under $40 and the total amount received from a contributor which in the aggregate is between $40 and $375. Financial statements showing party income and transfers as well as applicable expenses must be filed by the chief financial officer before March 31 of each year. During election campaigns, the chief financial officer of the party is required to file such a statement within six months after polling day and the chief financial officer of registered candidates must fullfill the same reporting requirements within three months after polling day.[65]

If a candidate fails to file the required statements, the Chief Electoral Officer must notify the Speaker of the Legislative Assembly, who will lay the report before the Assembly if it is sitting.[66] The candidate becomes liable, in addition to any other penalty, to be barred from sitting and voting in the Legislature if declared elected and barred from standing as a candidate in any future election if not declared elected. If an elected candidate remains ineligible to sit or vote in the Assembly for 60 days, section 36(2) provides that the seat in question becomes vacant. Sections 36(3) and 36(4) provide for judicial relief from these provisions. If the Court of Queen's Bench finds that non-compliance was due to circumstances beyond the candidate's control, the filing requirements may be dispensed with or the filing date extended. Candidates must apply for relief by way of originating notice, naming the Chief Electoral Officer as respondent.

Under Section 10 of the Election Finances and Contributions Disclosure Act, all filed documents become public records and may be inspected by anyone or published by the news media.

There are no subsidies or reimbursements in the current operative election laws of Alberta.

Part 7 of the Election Finances and Contributions Disclosure Act contains all applicable sanctions and penalties for violation of the Act's provisions. It is an offence to obstruct an inquiry or conceal, withhold or destroy relevant documents, to knowingly file a false statement or to fail to provide audited statements. This last offence is punishable on summary conviction to a maximum fine of $1,000 in the case of candidate or association contraventions and $5,000 in the case of party contraventions.

Any corporation or trade union contravening the Act is liable to a fine of not more than $10,000 upon summary conviction. Section 43 empowers the Chief Electoral Officer to impose a penalty in the case of excessive contributions equal to the amount of the excess. Section 44 of the Act confers legal status on parties and trade unions for the purposes of prosecution, and applies the agency doctrine so as to make the party, trade union, constituency association or employee organization legally liable for the acts of its agents. Finally, no prosecution can be started without the prior consent of the Chief Electoral Officer.

(b) British Columbia

The regulatory scheme pertaining to election financing in British Columbia is contained in the provincial Election Act[67] and the Income Tax Act and pursuant regulations.[68]

While reform in British Columbia was urged by a Royal Commission Report in 1978,[69] the only changes which have since been enacted relate to tax deductibility for political donations.

Therefore, the province currently places no restrictions on the size of contributions made to any party or candidate or expenditure limitations on the use of these funds. Contributions from outside the province are not prohibited and general and specific public disclosure of the names of contributors and the amounts given is not required.

Section 8.1 of the Income Tax Act of British Columbia[70] provides that taxpayers may deduct up to $500 from tax otherwise payable for political contributions.[71]

The concept of agency is employed with respect to contributions in that an "agent" is required to receive contributions, deposit them in a savings institution, and issue tax deduction receipts. Section 172 of the Election Act also stipulates that only a candidate's authorized agent may pay election expenses. Candidates' personal expenses are exempted from this. Payments in any other manner than that stipulated in section 172 leave the offender open to a maximum fine of $250 upon conviction. An exception to the agency concept lies in section 67(1) of the Act, which allows a candidate to act as his own agent.

The definition of "amount contributed" in section 8.1(1) of the Income Tax Act does not include contributions made by party officials, or contributions from one official agent to another. Thus, intra-party transfers are not considered contributions. As well, this definition exempts cash collections and cash bar profits, for example, at fund-raising functions that have already levied a charge or contribution with respect to admission. The calculation of the amount of a contribution as a portion of the general per unit price of admission to a fund-raising function is contained in section 4 of the

Political Contribution Regulations of the Income Tax Act.[72] Section 4(2) provides that the lesser of $25 or 50 percent of the charge or contribution paid by the ticket-holder will be deemed to go toward the expenses generated by the fund-raising function. The balance is deemed to be a political contribution, and a tax receipt may be issued for this balance.

There are no expenditure ceilings in the Election Act. However two types of expenditures are expressly prohibited. Section 174 of the Act prohibits payments to election workers. The candidate's personal expenses, printing, advertising and distribution costs, stationery, postage and public meeting costs, transportation of voters and securing of commitee rooms within one electoral district, and scrutineer expenses are all exempted from this general prohibition. The second prohibition is a corrupt practice and is found in section 175 of the Act. This section bars the candidate from making any special donation or contribution, presumably to secure votes or electoral goodwill.

As already noted, there is no mechanism for public disclosure of contributions in British Columbia. While party treasurers and candidate agents must keep records which the Ministry of Finance may audit or verify at any time, there is no affirmative duty to report imposed upon agents. The only government reporting is between the contributor seeking a tax deduction and the tax department. Thus, if the contributor does not seek the deduction, there is no disclosure whatsoever. In terms of the disclosure reforms of the mid-1970s in Canada, the status quo ante in British Columbia remains unchallenged.

However, both candidates and parties are required to file reports detailing campaign expenditures. Section 173 of the Act requires that each candidate and his agent transmit to the Chief Electoral Officer within 60 days after polling a statement of all expenses paid, as well as disputed and unpaid claims. At the party level, the secretary and treasurer have the same 60 day period in which to report. While the Chief Electoral Officer is required to retain these documents for one year or until dissolution of the Assembly (whichever period is shorter), section 139 of the Act allows public disclosure of returning officer statements only, and makes no mention of financial returns.

Enforcement of the Act rests totally with the Chief Electoral Officer, and the election financing provisions are so minimal that no separate mechanism or administration is mandated. It should be noted that returns filed with respect to election expenses do not require verifying documentation such as receipts or vouchers, as required in other jurisdictions.

(c) Manitoba

Manitoba was long regarded as a pioneer of election finances legislation and was in fact the first provincial jurisdiction to prohibit corporate contributions in 1924. While Manitoba had the broadest disclosure provisions in the country in the 1950s and 1960s, the effectiveness of these reporting provisions was unsatisfactory, and despite changes in 1970, the Manitoba legislation failed to produce a single prosecution for what appeared to be common-place occurences of contravention. As other jurisdictions enacted reforms in the mid-1970s, Manitoba failed to keep up with the tightening of requirements in general. In 1977 both the Manitoba Law Reform Commission and the Chief Electoral Officer produced reports assessing the value of the Manitoba scheme then in place. The former report dealt with general questions of theory and approach while the latter contained administrative recommendations.

The result of this activity was the enactment of the Election Finances Act[73] in 1980 and a totally revised Elections Act[74] passed the same year. Companion amendments to the Income Tax Act were also passed.[75]

The overall scheme of these laws compelled the registration of parties and candidates, but not constituency associations. While no contribution limits were set as to the size of contributions, the manner of contribution was regulated. The concept of agency was imported into accountability for contributions and expenditures. While ex juris contributions were not expressly prohibited, the Act did include a number of contribution-related provisions, such as the regulation of the amount of contribution in individual charges for fund raising functions, the deeming of the candidate's own funds to be contributions for the purposes of the Act, and the formal allowance of corporate contributions.[76] As well, contributions from trust funds or unincorporated associations had to indicate the individual sources and amount making up the contribution. Intra-party transfers were permitted between parties, their constituencies and their candidates. Chief financial officers of parties and candidates were required to record all single contributions over $25 and contributions from a single source in any year which totalled more than $25.

The 1980 Act specified limits for certain election expenses such as political advertising. Section 44 of the Act set a party advertising limit of 40 cents per name on all voting lists for all electoral divisions and a candidate limit of 25 cents per name on the revised voters' list of his constituency. As well, the usual categories of prohibited payments obtained.[77] Disclosure provisions involved detailed reporting of contributions and expenditures, with advertising expenditures singled out for special attention by the legislation.

The Income Tax Act provided a tax credit for contributions up to a maximum of $500. The exact formula for the deduction as set out in section 9(1) of the Income Tax Act is reprinted in the jurisdiction synopsis in Part Three of this study.

The act did not provide for party or candidate subsidies or reimbursements.

Enforcement duties were handled by an independent Elections Commission which also tended to all administrative functions. The general trend of establishing such independent commissions along the Ontario model was seen until recently as a manifestation of the trend toward providing "... effective resources to make otherwise laudable statutory provisions relevant ..."[78] The Manitoba Commission was similar to the Ontario Commission with respect to mandate. It was required to assist parties and candidates and their chief financial officers in preparing financial statements and otherwise complying with the Act. This duty involved the issuance of guidelines to key actors in the campaign financing system. Under the 1980 Act the Commission was given the added distinction of being in full control of prosecution decisions.[79] The Crown had no status in these affairs, unlike the situation in Alberta, Ontario or New Brunswick. As well, the jurisdiction of the Commission was not limited to election financing laws, but extended to all matters covered by the provincial Elections Act.

In 1983 new bills were introduced into the Manitoba Legislature repealing the 1980 Act and effectively introducing a new regime of campaign financing law. Under the titles of Bill 48 and Bill 74 (the latter amending the Election Act to bring it into line with the new Election Finances Act) this legislation was passed in August, 1983 and had received Royal Assent at the time of writing. The new law is expected to take effect on January 1, 1984 and will not be retroactive. The significance of these comprehensive amendments lies primarily in the introduction of generous public financing provisions and the disbanding of the independent Commission.

Under section 3 of Bill 48 the Chief Electoral Officer is given the power to administer the Act formerly held by the Commission. Section 4(1) provides for the creation of an Advisory Committee composed of one appointed representative from each political party. Section 4(3), however, confers advisory status only on this committee. Its decisions and recommendations are not binding on the Chief Electoral Officer.

The former Commission met from time to time and had not laid any charges between 1980 and 1982. It had not become fully operational, in the manner of the Ontario Commisssion, at the time it was abolished. There was no full time chairman and it had not acquired the cohesion necessary for the job. The choice was either to strengthen the Commission or to abolish it. The new government, for its own reasons, chose the latter.

In addition to new administrative procedures, Manitoba's Bill 48 includes several substantive revisions. New barriers to party registration have been erected in the requirement that registered parties have four or more seats in the Assembly. If application for registration is made during an election period or immediately prior to the issuance of the writs, the party must have five or more endorsed candidates or a valid petition for registration.

Section 49 of Bill 48 is somewhat innovative in that it directs that third parties incurring expenses for the purpose of gaining support on an issue of public policy or advancing their aims are deemed not to have incurred election expenses, as long as a particular party or candidate is not mentioned.[80]

Section 50 establishes limitations on the total election expenses which may be incurred by or on behalf of a political party or candidate. Election expenses are definded in section 45(1) to mean money spent or liabilities incurred and the value of donations in kind accepted in respect of goods used or services performed during the election period for the purpose of supporting or opposing a candidate or registered political party. Advertising is included in this definition. Total party spending limits on a general election are determined by multiplying 80 cents per voter on all revised voters lists in all electoral divisions in which the party has endorsed candidates. Candidate spending limits are determined by multiplying $1.25 by the number of names on the revised voters' list. In large electoral divisions (30,000 square miles or larger) the multiplying figure is raised to $2.00.

The new Bill also contains segmental spending limits on advertising. Total party advertising expenditures are limited to a figure equivalent to 40 cents multiplied by all names on all the revised voters' lists in which the party has endorsed candidates. For candidates, total advertising expenditures are determined by multiplying 25 cents by the number of names on the revised voters' list. These limitations are part of, rather than in addition to, the global spending limits set out above. It is also significant that Bill 48 includes a formula to vary these ceilings, based in the consumer price index.[81]

Section 56(1) is another innovative addition to Canadian election financing legislation in that it seeks to limit the publication of advertising by government departments and Crown agencies during an election campaign. Three categories of exceptions to this prohibition are publications or advertising in continuance of earlier publications or advertisements concerning ongoing programs; the solicitation of applications for employment; or where the publication or advertisement is required by law. While the first exception may appear to be rather broad, anyone who believes that these provisions have been violated has been given the right to file a complaint with the Chief Electoral Officer.[82]

Section 68 of the new Bill directs that contributions made after the end of the campaign for the purpose of retiring a candidate's debt must be reported as to the name and address of the contributor if they are in excess of $250 in the aggregate in any one year.

Section 71 of Bill 48 outlines the procedure for partial reimbursements to be paid to qualifying registered political parties. After receiving all the information required in a statement from political parties which is separate from the annual statement, the Chief Electoral Officer must file a certificate with the Minister of Finance in respect of each party which in a general election obtained an aggregate of 10 percent or more of all the valid ballots cast in all provincial electoral divisions. In addition, the certificate filed by the Chief Electoral Officer must set out the amount which is the lesser of 50 percent of the total election expenses permitted and 50 percent of the actual election, excluding donations in kind, incurred by or on behalf of the registered political party. On receipt of the certificate by the Chief Electoral Officer, the Minister of Finance will pay out of the Consolidated Fund to the chief financial officer of the party the amount reported by the formula given above. Up to $250 will also be paid to candidates' auditors.

In order to tie compliance in with general reimbursement provisions, the Bill stipulates that where a party or candidate exceeds spending limits, reimbursements payable will be reduced by $1.00 for every $1.00 by which actual expenses exceeded the limit.

Where a party or candidate fails to receive the qualifying 10 percent of the popular vote to be eligible to apply for reimbursements, the auditor's fee ($250) will be paid nonetheless, once all filing requirements are met.

As a safeguard against reimbursements actually exceeding the cost of a campaign, section 76 of Bill 48 directs that reimbursement payments be altered where contributions plus the calculated reimbursement would exceed all actual expenses. Excluding donations in kind, where this situation occurs, the difference between contributions/reimbursements and expenses will be remitted to the party's chief financial officer on behalf of its candidates. The candidate's chief financial officer would also receive a reimbursement calculated in the same way. Where a candidate in this situation is not endorsed, then the candidate's chief financial officer receives only the difference between actual election expenses and the value of contributions.

Section 75 further stipulates that where the value of contributions, including donations in kind, exceeds actual election expenses, the chief financial oficer of the candidate will pay any excess amount to the party's chief financial officer. If the candidate is not endorsed, this excess must be paid to the Minister of Finance.

The most experimental aspect of Manitoba's reimbursement scheme is, of course, the low threshold placed on qualifying, namely, 10 percent of the popular vote. Opposition to this provision was evident while the Bill was going through first and second reading in the Legislature. Many saw the provision in terms of the black-and-white idea that taxpayers should not be supporting the cost of a candidate or platform rejected by 90 percent of the votes cast. One report called the subsidy system "... a subsidy for "kookie" candidates ..." and "... a simple case of politicians being generous to politicians".[83]

(d) New Brunswick

In 1978 New Brunswick enacted the Political Process Financing Act[84], which provided for the regulation of contributions and expenditures, public disclosure, public subsidy of political parties and reimbursements of certain expenses of candidates. The New Brunswick Act has been amended three times since its inception[85] and the 1980 amendments include the allowance of tax deductions up to $500 for individual donations.[86]

Section 137 of the Elections Act[87] imports the concept of agency into New Brunswick election law. Section 138 requires each candidate to have an "official agent" and section 69 of the Political Process Financing Act reiterates this requirement.

Section 3 of the Political Process Financing Act exempts funds collected and spent for party leadership bids or nomination campaigns from regulation. However in order to prevent a de facto candidate from using funds so collected in general elections, section 3(2) stipulates that all excess funds with respect to leadership and nomination campaigns be disclosed to the Supervisor of Political Financing within 90 days of the attainment of the leadership or nomination. Donations so disclosed will be returned to the contributor.

As is the case in Alberta and Ontario, all party funds and assets held at the time of the promulgation of the Act are required to be deposited in trust in a separate account and no new funds can be added after September 13, 1978.

The New Brunswick Act exempts certain forms of contributions from control. These include: 1) donations of individual services or the use of personal vehicles where they are given freely and not as part of work in the service of an employer; 2) all public reimbursements; 3) a loan granted for political purposes at the going rate of interest in the market when the loan was advanced; 4) all membership dues for political parties not exceeding $25; 5) registration fees not exceeding $10. As well, any free time or space contributed by communications media is not a contribution for the purposes of the Act. This free communications time and space must be offered to all parties, associations or candidates on an equitable basis, qualitatively and quantitatively.

While corporations and trade unions are entitled to make contributions, these amounts must come out of their own property. Corporations contravening any provision of the Act for which no penalty is otherwise provided are liable on summary conviction to a fine of up to $10,000. Section 1(3) of the Act provides that associated corporations are considered as a single corporation.

Section 39 of the Act places a limit on contributions. The total value of all contributions made by an individual, corporation or trade union during a calendar year must not exceed $3,000. In an election year, this limit is increased to $6,000.

Section 44 provides that every money contribution over $100 must be paid by cheque, and all contributors must be provided with receipts in the form and manner prescribed by the Supervisor of Political Financing.

In order to add the requisite degree of accountability to the process, section 41 and 42 specify the proper recipients of funds. Section 41 allows fund solicitation to be carried out only by official representatives of parties, registered district associations or registered independent candidates. Section 42 provides for official representatives and those authorized by them to accept contributions on behalf of registered parties, district associations or independent candidates.

Under New Brunswick law, anonymous contributions are prohibited and independent candidates are allowed to collect only enough money to retire their proper election debts. Section 30 further provides that in the event of de-registration, parties, associations and candidates must remit all contributions held at the time of de-registration to the Supervisor. All non-monetary assets are converted into money, and the total assets are used pro rata for the just debts of the party, association or independent candidate. The balance is paid into the province's Consolidated Fund.

While intra-party transfers between parties, district associations and candidates must be recorded, nothing in the law prohibits such transfers. If a candidate incurs election expenses, payment of such expenses by the candidate is deemed by section 71 (2.1) to be a contribution. If a contributor provides goods or services at a price less than that charged outside the election period, the difference in price is deemed to be a contribution. The New Brunswick Act limits expenditures by limiting the channels through which they can be made and the amount that can be spent. Exempted from scrutiny are news-related items and publications, reasonable food and lodging expenses, reasonable travel expenses, expenses for the objective explanation of the Elections Act and office expenses.

Under section 67 of the Act, all costs incurred in relation to selecting a candidate for an electoral district are deemed to be election expenses of the candidate winning the nomination. A candidate's personal expenses for the general election campaign up to a total of $2,000 also constitute election expenses.

Advertising expenditures for the broadcast or print media are set by section 50 of the Act at $25,000 in each calendar year for registered parties and $200 in each calendar year for registered district associations and registered independent candidates. This limitation does not apply to advertising which merely publicizes the date, time, place or program of a scheduled public meeting.

Section 77 of the Act limits global expenditures. In the case of registered parties, global general election spending limits cannot exceed 85 cents multiplied by the number of voters in the aggregate of the electoral districts in which the party has candidates. The candidate limit is obtained by multiplying $1.50 by the number of voters in the electoral district. The law further provides that in no case can expenditures be limited to an amount less than $7,500, nor can they exceed the amount of $20,000. Section 80 of the Act expressly states that the number of electors in any district is determined by a certificate prepared by the returning officer and that it is this statistic upon which limitation formulae rely.

Disclosure provisions rest upon two types of reports required by the Political Process Financing Act - election expenses reports and financial returns. The former are required after each election and the latter are required periodically. All reports are filed with the Supervisor and made available for public inspection. Sections 81 and 82 of the Act set out time and content provisions for statements of candidate and party expenses. A synopsis of these requirements is set out in Part Three of this study. Statements are kept by the Supervisor for a period of six years after submission. Within the first 90 days of receipt, the Supervisor is obliged to publish each candidate's statement in summary form in the Royal Gazette.[88] This obligation also extends to party statements. With regard to financial returns, section 59 of the Act requires that these be made by registered political parties on a semi-annual basis. If either of these dates fall within an election period, the deadline for submission is extended to 90 days after the polling date. Financial returns must include a list of all assets held by the party, all non-monetary contributions made to the party, the total of all contributions of $100 or less, the total of all membership dues, registration fees, contributions over $100, loans taken out on behalf of the party, interest earned from these funds and any capital gain derived from the sale, lease or investment of party property. As well, the party must disclose the names of all contributing trade unions and corporations. Individual contributors giving over $100 must also be disclosed, along with any guarantor on behalf of the party. Financial returns of independent candidates must include all of the above plus a statement of personal income.

Public funding is provided in the form of an annual subsidy paid directly to the registered political parties and in the form of partial reimbursements of candidates' election expenses.

Section 31 of the Political Process Financing Act stipulates that every registered political party represented in the Legislative Assembly on January 1 of each year and every registered party, which although unrepresented in the Legislature, had at least ten official candidates in the preceding general election, qualifies for the party subsidy. The subsidy itself is calculated by multiplying the total number of ballots cast for a party's official candidates by one dollar. Payments are made on a quarterly basis and the annual allowance total must be published by the Supervisor in the Royal Gazette on or before March 1 each year. Section 34 of the Act attempts to regulate the beneficial uses of this money by stipulating that it be used to pay the costs of administration and the development of programs and activities of an on-going nature. In order to prevent parties from profiting by spending less in total than the annual allowance, section 34(2) of the Act requires that any excess in this regard be remitted to the Minister of Finance for payment into the Consolidated Fund. Thus, parties are encouraged to make full use of the subsidy.

Once candidates have fully complied with all reporting requirements, they become eligible under section 78 of the Act for partial reimbursement of election expenses. The threshold to qualify is set at 20 percent of the valid votes cast in the candidate's electoral district. The amount of the reimbursement is the lesser of his stated expenses or the sum of 35 cents multiplied by the number of electors in the district and the cost of mailing a single first-class letter to each constituent. If the reimbursement exceeds actual expenses, any excess must be paid to the official representative of the endorsing party or, in every other case, to the candidate.

Enforcement is conducted by the Supervisor of Political Financing, who has all powers of inquiry under the Inquiries Act[89] should he determine either on his own or after application by a third party that provisions of the Act have been violated. The Supervisor may apply to the Court of Queen's Bench of New Brunswick for an order allowing him to enter particular premises and examine and copy relevant documents. Obstruction of the Supervisor in his duties is an offence liable on summary conviction to a fine of up to $500. More significantly, the Supervisor has the added lever of being able to withold authorization for payments of party reimbursements, should he be dissatisfied with any aspect of a party's compliance with the Act.

Offences and penalties for contravention of the Act are in general more onerous than in most other provincial jurisdictions. Specific details appear in the provincial synopsis in Part Three of this study.

Much like former Manitoba legislation, the enforcement body in New Brunswick benefits from a partisan advisory body. With regard to prosecutions, amendments in 1980 grew out of the potential for conflict with the Minister of Justice. Until 1980, prosecutions could only be undertaken by the Crown, yet could not be instituted without the consent of the Supervisor. Now, section 90(1) of the Act confers the authority required to bar prosecutions upon the Attorney General. This may effectively remove the partisan-advised Supervisor from the political hotseat.

(e) Newfoundland

Draft legislation with respect to comprehensive campaign finance laws has been under consideration by the Newfoundland government for close to three years.

Currently, the Election Act[90] of Newfoundland deals tangentially with election expenses, and not at all with political contributions. There is no requirement that candidates name an official agent, and accountability for the acceptance of contributions or payment of expenses rests with no one individual in particular. The existence of parties or constituency associations is not contemplated by the Act. Expenditures and costs are governed by rules against prohibited payments such as treating. Because of the geography of the province, expenses incurred by the candidate or anyone else in transporting voters to the polls is deemed lawful.[91] Finally, the Elections Act does provide for the submission of statements concerning candidates' election expenses. These statements must be submitted to the Minister of Justice, within a four-month period.

The skeletal legislation now operating in the province may well be replaced by a new Act before the next general election.[92] A Select Committee on Elections has been studying draft legislation, and in its deliberations has canvassed most of the approaches in other Canadian jurisdictions. In 1982 the five member bi-partisan committee held public hearings on draft political reform legislation closely resembling the legislation in Ontario. New Democrats in the legislature have pointed to the absence of spending levels in provinces such as Ontario in advocating an abandonment of the current proposals designed only to limit contributions. As well, the immediate rush by parties to build trust funds which would be exempted from control once the legislation comes into effect, a phenomenon experienced in both Alberta and Ontario, has been criticized as a built-in loophole in the draft legislation. Finally, the reimbursement threshold for candidates - 20 percent of the popular vote in the electoral district - has been viewed by the New Democrats as too high and aimed at eliminating their party from qualifying.[93]

Another aspect of the draft proposal that follows from the seminal Ontario legislation is a limit on annual individual, corporate and union donations of $10,000, plus a $1,000 limit on donations to individual candidates to an aggregate limit of $5,000. Disclosure would be required of all contributions over $100, and comprehensive auditing would also be required. The legislative committee now appears ready to propose payment of public subsidies to the political parties, in advance of polling day. The parties, in turn, would allocate funds to candidates and headquarters.

(f) Nova Scotia

Nova Scotia has enacted comprehensive legislation with respect to campaign expenditures and, with the introduction of tax provisions in 1981, has added reporting and record-keeping provisions to this scheme.

One of the first jurisdictions to enact campaign finance reforms, Nova Scotia based its first new legislative regime on the Quebec Election Act of 1963. Enacted in 1969, the Nova Scotia Elections Act[94] provided for restrictions on expenditures and for candidate reimbursements.

In February 1981, the Report to the House of Assembly of the Select Committee on Electoral Matters was tabled. The report contained several recommendations relevant to election financing, including the establishment of an Election Commission. This recommendation was enacted by amendments to the Elections Act which came into force June 24, 1981. Subsection 6A(1) of the Act confers powers on the Commission to consider reports of investigations by the Chief Electoral Officer or the police for the purpose of determining whether or not to undertake prosecution. This amendment therefore effectively removes the Attorney General from politically sensitive decisions. The Commission itself is composed of a chairman appointed by the Governor in Council for a five year term, the Chief Electoral Officer, and two appointees from each recognized party. For the legislative authority, composition and prosecution mandate of the Commission, see Appendix 10.

Under the present law dealing with expenditures, the concept of agency extends to the naming of party and candidate official agents responsible for all spending on behalf of the campaign, except candidates' personal expenses up to $1,000. Section 164I(2) of the Act stipulates that any agent falsifying reports, invoices, receipts or vouchers or incurring expenses in excess of the statutory maximum is guilty of a corrupt practice. Represented candidates or parties are equally guilty unless they can prove that the official agent's actions were of no great gravity, committed without their knowledge or committed while others had taken all possible and reasonable precautions in good faith.

All contributions, including those from individuals, trade unions, corporations and ex juris donations are unregulated as to amount in the Nova Scotia legislation.

In 1981, a deduction from taxpayer's tax otherwise payable became available for political donations under section 4B(2) of the Income Tax Act.[95]

A further amendment arising out of the 1981 Select Committee Report concerns the disposition of surplus campaign funds.[96] Under section 164L of the Act, this surplus must be paid to the party affiliated with the candidate generating the surplus, his riding association or, where there is no local riding association, to the official agent of the party. In any other case, the surplus must be remitted to the Minister of Finance. Prior to 1981, the section did not take into account the amount of public reimbursement returned to the candidate's official agent after the election expense report had been filed. Currently, official agents must take this amount into account by paying over any surplus within one month after the candidate receives his reimbursement. This one month period provides a reasonable time for payment of the candidate's election expenses. Should further payments be required of the candidate's official agent, section 164L(3) of the Act permits him to apply to the Chief Electoral Officer for repayment of the lesser of the excess amount already paid or the amount of the further payment outstanding.

Limitations on party expenditures appear in section 164A of the

Act, which sets a ceiling equivalent to 40 cents multiplied by the number of voters in all electoral districts in which the party has official candidates. Candidate limits must not exceed the total of one dollar for each of the first 5,000 voters, 85 cents for the next 5,000 and 75 cents for every voter over 10,000. In addition, spending limits are indexed. Section 164A(5) provides that the consumer price index of Nova Scotia, using 1969 as a base year, shall be employed by the Chief Electoral Officer in adjusting spending limits. Manitoba and Saskatchewan and now the Federal legislation have similar indexing provisions.

One weakness of the Nova Scotia Act is the absence of express provisions for public disclosure of individual contributions. The Chief Electoral Officer does provide forms to be used by official agents to record contribution-related information. As well, auditors are required to report total contributions for which receipts were issued. However individual contributions and contributors escape scrutiny. The need for amendments in this regard is illustrated by the plethora of illegal payment scandals in recent Nova Scotia politics. In 1980, the Royal Canadian Mounted Police conducted an extensive investigation into alleged political kickbacks involving both the Liberal and Progressive Conservative parties. Liquor firms were accused of "tollgating" - basing political contributions on the volume of their sales to the Nova Scotia Liquor Commission. At the time and to the present, oficials in all parties have remained evasive and reluctant to discuss the contribution aspect of the political finance equation. Despite this flaw in current legislation, reports on expenditures are detailed, and these reports are made public.

Nova Scotia reimburses a portion of candidates' expenses. The threshold for qualification is set out in section 164B of the Act and is set at 15 percent of the valid votes cast. After expenditure reports are filed, the Chief Electoral Officer is required to remit 75 percent of the reimbursement to the candidate immediately once he is satisfied that expenses of at least this amount have been incurred. The remaining 25 percent of the reimbursement is held back until the Chief Electoral Officer is sure that all expenditure reports and claims are accurate. The amount of the reimbursement is equivalent to 25 cents multiplied by the number of electors on the official voters list for the candidate's district.

(g) Ontario

(i) Outline of Current Provisions

Ontario laws governing election finances emerged in 1975 with the enactment of the Election Finances Reform Act.[97] Accompanying amendments were also made to the Election Act[98], the Ontario Corporation Tax Act[99] and the Income Tax Act of Ontario.[100] This legislation was the product of several studies, including the Third Report of the Ontario Commission on the Legislature which presented recommendations in November, 1974.[101]

Subsequent to its enactment, the Ontario reforms served as the basis for the Alberta Election Finances and Contributions Disclosure Act, promulgated in 1977, although, unlike the Ontario statute, Alberta law did not create an independent enforcement commission nor did it set any limits on amounts parties and candidates may spend. As well, the maximum allowable contribution is higher in Alberta. When a chief financial officer in Ontario receives contributions in excess of set limits, contributions from funds not belonging to the donor or ex juris contributions, he is statutorily required to return these amounts. In Alberta, the law is silent on what must become of prohibited contributions. Finally, Ontario has embarked on partial subsidization of candidate's election expenses whereas Alberta has not. Thus, while Ontario and Alberta have similar Acts, with attendant advantages of donor certainty and uniformity, the Ontario legislation is still the most comprehensive scheme in Canada.

Under the Ontario Act, great faith is placed on the ability of limitations on the size and source of contributions to control any improper influencing of government policies. Separate regimes of contribution-related legislation are provided for inter-election periods and for campaign periods. In a campaign period, the allowable contribution limit is doubled.

Reporting and disclosure provisions require that the name and address of contributors giving over $100 must be disclosed.

The Ontario Act also employs limits on advertising expenditures in an effort to control and equalize opportunity in this most important area of modern campaigning.

Public funding provisions appear in both the candidate reimbursement scheme and tax deductibility for contributions.

Finally, the Commission on Election Contributions and Expenses was created by the Act to monitor its operation, explain its provisions to the public and to the parties and to enforce the provisions of the Act.

It should be noted that two types of funds are excluded from the provisions of the Act. Section 1(3) of the Election Finances Reform Act stipulates that the legislation does not apply to contributions toward party leadership candidates or to candidates for a party nomination in a particular constituency. While there is therefore no disclosure requirement on these funds or any restrictions as to source, the province provides no tax credits for donations to these campaigns. Secondly, funds held by parties, associations and candidates at the time the Act came into force on February 13, 1975 escaped disclosure requirements as to amount and source. However the Act does require that these funds be placed in trusts and that annual statements be filed with the Commission reporting upon the status of these funds. Section 1(4), which governs these trust accounts, provides further that the only amount which can be added to the trust fund is the interest earned by the funds or investments.

Prior to applying for registration, parties were obliged by section 40 of the Act to establish a foundation for all financial resources gathered prior to the introduction of the Act. Property required for party administration was excluded from this necessity. Parties establishing these foundations (the Liberal Party and the Progressive Conservative Party) are required to file expenditure reports concerning these funds by May 31 of each year. Transfer funds from these foundations are not considered contributions for the purposes of the Act.

The contribution provisions of the Ontario Act reflect a desire for accountability, openness and a broader base of political financing generally. Only individuals, corporations, and trade unions may contribute funds, thus eliminating partnerships, associations and groups whose members are not readily identifiable. Section 17(2) of the Act requires that contributions in excess of $10 must be made by signed money order or by a cheque drawn from the contributor's account and signed legibly by the contributor. All contributions must be recorded by the chief financial officer, and the names and addresses of all contributors donating over $100 in the aggregate during the year must be recorded as well. Section 18 of the Act stipulates that all anonymous contributions must be returned. Should the party, constituency or candidate fail to identify a contributor sufficiently to return the donation, these funds must then be paid to the Commission. The Commission may use these funds to carry out its responsibilities under the Act.

Section 19 sets a ceiling on the amount of money which can be contributed. Party and constituency limits are set at $2,000 in any year to each political party. Contributions to constituency associations are limited to $500 in the case of any one registered association up to the total of $2,000. The same $500 limit applies to candidates during election periods, and the aggregate contribution to registered candidates of the same registered party cannot exceed $2,000. Effectively, a contributor may contribute a total of $4000 to party and constituency associations of each registered party on an annual basis and an additional $4000 to a registered party and its candidates during a campaign period.

Contributions by associated corporations are considered to be from a single corporation for the purposes of the Election Finances Reform Act. The test of whether a corporation is associated with another is set down in section 256 of the federal Income Tax Act.[102] Because the Act does not provide attribution rules, each of a corporation's directors, shareholders, officers and members of their respective families may contribute separately, as long as the funds contributed are their own.

Section 20 of the Act prevents secret or covert contributions made through a middleman by providing that contributors can only contribute their own money. A partial exemption to this rule permits trade unions to employ payroll deduction plans, as long as the sum deducted does not exceed 10 cents per month. In addition, the section prohibits parties, constituency associations and candidates from accepting contributions through a middleman. All such contributions must be returned.[103]

In order to prevent contributions to federal parties, which are governed by a federal law placing no ceilings on contributions, from being transferred back to provincial bodies, the Ontario Act stipulates that no registered entity in Ontario is to accept funds from political parties registered under the federal Election Expenses Act.[104]

The Ontario Act also deals directly with the spectre of financial involvement by third-party advocacy groups which exist either as permanent bodies or as simple ad hoc vehicles for parallel campaign funding. Section 27 of the Act makes it clear that group contributions can only be recorded in the names of persons individually. These individual sources are then subject to all other provisions of the Act.

The Act provides that goods and services must be valued at the prevailing commercial rate and, when goods and services are undervalued and where the difference in true value and donated value is over $100, these items must be declared as contributions. Advertising, if provided by a person, corporation or trade union, is considered a contribution if any single advertisement or publication exceeds $100, or if any one source, over the course of one year excluding campaign periods, provides advertisements exceeding $100.

Section 24 of the Act regulates defined fund-raising events where the admission ticket price exceed $20. In this case, part of the price must be considered a contribution. If the individual charge is between $20 and $50, one-half of the charge is considered to be a contribution. If the charge is $50 or more, then any portion over $25 is considered to be a contribution. Section 25 of the Act provides that general collection of money at meetings must not involve donations in excess of $5 on an individual basis. If someone gives more than $5, it must be considered as a contribution under the Act and an appropriate receipt issued.

With regard to voluntary political activity, the loophole of an employer-paid leave of absence to facilitate an employee's political activity has been regulated by the Ontario Act. The Commission has issued guidelines in the past[105] which do not consider such payments by an employer to be a contribution provided that the volunteer worker does not receive payment from the person, trade union or corporation which employs him in excess of what he would normally be paid during the period that he was performing volunteer services.

While the Act attempts to broaden the base of political financing, it restricts the principle to Ontario, and prohibits the acceptance of ex juris contributions. This restriction includes intra-party transfers, as noted above, although during a campaign period, a registered party may accept from a federal party an amount not exceeding a total $100 for each registered candidate of that party. The same limitation applies to contributions from Ontario parties to federal party campaigns.

Section 38 of the Act permits borrowing as a means of financing, as long as it is reported to the Commission. No individual, trade union, corporation or other unincorporated association may guarantee a loan except where the loan is made by an authorized lending institution. A registered party or constituency association may guarantee a loan under all conditions.

The tax incentive system of offering a reduction from income tax payable for political donations has been a part of the Election Finances Reform Act since its inception. These incentives are applicable to the two classes or recognized contributors which pay income tax - individuals and corporations.

Individuals may claim a tax credit by virtue of section 7(6) of the Income Tax Act (Ontario).[106] The credit is a deduction from the claimant's provincial tax payable, after this figure has been reduced by the total of any other tax credits to which the claimant is entitled. The tax credit for political donations can be claimed only by individuals with provincial tax payable in excess of other tax credits. In order to claim the credit, an official receipt must be attached to an individual's tax form. While either spouse may claim the credit, the receipt may be issued in only one name, and claimed in only one name.

Section 28 of the Corporations Tax Act of Ontario[107] applies a straight deduction system for corporate political donations. Whereas the Ontario tax credit system is calculated as a deduction from tax up to a maximum of $500, corporate deductions in Ontario are deducted from taxable income in Ontario. The maximum contribution that can be claimed by a corporation in any taxation year is $4000. A benefit of this system is that unused (either because contributions exceeded $4000 or because there was insufficient taxable income to deduct total contributions made) political contributions of one taxation year can be carried forward indefinitely to other years. Under the tax credit system, contributions contributed in one year but not claimed in that year because there is no tax payable or because they exceeded the calculated maximum donation ($1,150), can be carried forward to other years.[108]

Section 39 of the Ontario Act restricts advertising in three ways. First, the advertising period is limited. Second, the rates media organs can charge are limited to prevailing commercial rates. Finally, spending ceilings on party and constituency/candidate advertising costs are set. The current law in Ontario restricts advertising to a 21-day period up to the second day before polling day; the only exception being for newspapers publishing on a weekly basis which normally publish the day before polling day. In the case of a registered party, advertising expenditures within this 21-day period before a general election are limited to the equivalent of 25 cents multiplied by the number of names appearing on all revised voters lists for electoral districts in which the party has an offical candidate. In the case of (1) a registered constituency association of a registered party and the registered candidate of that party in the electoral district, or (2) an independent candidate, the advertising spending limit is determined by multiplying 25 cents by the number of names on the revised voters list of that district. These limits do not apply to the cost of production, if any, of campaign advertising. Also, pre-election advertising expenditures incurred by a constituency association may be transferred to the candidate at cost for the purposes of the Act.

To ensure accountability, the Act requires that every party, constituency association and candidate appoint a chief financial officer who has the responsibility to: 1) keep proper record of all receipts and expenditures; 2) place all contributions in the appropriate depositories; 3) complete receipts properly, and most importantly 4) file with the Commission financial statements supported by an auditor's report within six months after polling day. All financial statements become public information open to inspection at the offices of the Commission.

In its Third Report, the Camp Commission had recommended against total public funding on the grounds that such a system would encourage the proliferation of political parties or independent candidates at public expense and that global funding of year-round political activities would be too costly.[109] The Camp Commission's recommendation of partial reimbursement for candidate expenses was adopted by the Act. Section 45 of the Act stipulates that every registered candidate who polls 15 percent of the popular vote and files all required statements to the satisfaction of the Commission is entitled to be reimbursed by the Commission for the lesser of two amounts - 1) the candidate's actual campaign expenses or 2) the equivalent of 16 cents multiplied by the first 25,000 eligible voters in the constituency and 14 cents for each additional voter. In larger constituencies, an additional $2,500 is provided to cover travel costs. Given the reimbursement, any surplus after deficits are paid must be turned over to the party or one or more constituency associations.

As already noted, enforcement has historically been the weak link in political financing legislation in Canada. In Ontario, the Election Finances Reform Act provides stringent enforcement provisions. The chief financial officer of a political party, constituency association or candidate found guilty of contravening the reporting provisions is liable to a maximum fine of $1,000. Further, the represented entity is also liable to fines ($2,000 for a registered party, $1,000 for a constituency association or candidate) should the chief financial officer be convicted. Trade unions and corporations which contravene any provision of the Act are guilty of an offence punishable upon conviction by a fine up to $10,000.

The Act requires that the Commission be accorded all co-operation in its work, and obstructing investigations through false statements or witholding or destroying documents is an offence under the Act.

Despite strict enforcement provisions, the Commission does not have the power to prosecute offenders on its own initiative. The Attorney General has power to initiate proceedings, but only after the Commission has given its consent. The Commission is also required to report any apparent contraventions of the Act to the Attorney General annually.

(ii) Proposed Amendments

The Commission also has the duty to make recommendations with respect to amendments to the Act. To date, twenty-two minor changes to the Act have been proposed by the Commission. Largely technical in nature, they envisage no major policy changes.[110] Some of the more important proposals include: 1) the extension of the authority of the Commission to de-register upon the failure of a party or association to comply with other requirements of the Act; 2) the increasing of cash contributions from $10 to $25 (subsequently increased to $50 by a recommendation of the Standing Committee on

Procedural Affairs on December 7, 1982); 3) the increasing of the maximum annual membership fee considered not be a contribution for the purposes of the Act from $10 to $25 (subsequently increased to $50 by a recommendation of the Standing Committee on Procedural Affairs on December 7, 1982); 4) extending the 21-day advertising period to cover contraventions by publishers, corporations, trade unions and other potential third-party spenders as well as political entities; 5) explicitly directing that reimbursement monies be paid to the candidate's chief financial officer rather than to the candidate; 6) extending the time limit for prosecutions to date from the time a contravention comes to the attention of the Commission.

More basic proposals to amend the Election Finances Reform Act have come from debate in the Legislature. These include limitations on expenditures, limitations on the campaign period and on government advertising, the regulation of contributions in municipal elections, changes in the tax credit system and reimbursement system and the introduction of a tax check-off system. These significant changes are currently being discussed in the Legislature and considerable partisan debate has taken place.[111] At the time of writing, however, no action on the amendments proposed by the Commission had taken place.

(iii) The Municipal Dimension

On July 7, 1982, the Ontario Municipal Elections Act[112] was amended to permit municipal councils to pass by-laws regulating election contributions which required the reporting of these expenses and contributions.[113] While the authority is permissive, the Act stipulates that the by-law shall contain certain mandatory provisions where enacted. Contained in section 121 of the Act, mandatory provisions include: 1) a contribution limitation on donations to any one candidate of $500 in any one calendar year; 2) the requirement that receipts be issued for all money contributions and that expenditure records be kept; 3) the requirement that candidates submit to the municipal clerk within 90 days of the date of the election a financial statement containing the total amount of contributions received, a list of contributions including all goods and services donated and the names and addresses of contributors who gave an aggregate amount exceeding $100. This statement must also contain an itemized list of all expenses. Subsection 121(3) further stipulates that a candidate's own funds (or those of his spouse) are not to be deemed contributions. Contravention of the by-law passed under the Act may lead, according to section 121(5), to a fine of not more than $2,000 upon conviction.

Ontario is the only province, other than Quebec, which has considered any type of reform at the municipal level. Because the general upward pressure on campaign costs had filtered down to the municipal level, (especially in some of the province's larger urban areas) the municipalities themselves had considered voluntary disclosure and limiting policies for some time. The suspicion of close relationships between city politicians and developers and other municipal contractors hastened the impetus toward municipal campaign finance laws. The perceived connection between political donations and authorization votes on city planning and development boards as well as the huge growth in the value of municipal advertising contracts combined to prompt some candidates to publish contribution statements voluntarily. The political strategy, of course, was to demonstrate an arm's length relationship with the development industry and other cash-for-influence groups. Council members who failed to make these disclosures risked public suspicion by implication.[114]

The current section 121 of the Municipal Elections Act, which was enacted partly at the request of the Association of Municipalities of Ontario, bears only skeletal resemblence to the Election Finances Reform Act. The most glaring difference between the two Acts is that under the Municipal Elections Act a candidate or his spouse may spend an unlimited amount of money on his campaign and that these funds are not deemed to be a contribution. There is also a total absence of even segmental expenditure limitations at the municipal level. As well, the municipal legislation does not prohibit ex juris contributions. While the Municipal Elections Act refers to "association" in section 121(1)(d), there is no express recognition of party involvement in municipal elections. Political parties and constituency associations therefore go unregulated at the municipal level. Finally, while administration of the municipal by-law is left to the Clerk, the City Council itself makes the final decision on whether or not to pursue reported contraventions.

Since July, 1982 approximately one dozen municipalities in the Province of Ontario have chosen to adopt the re-enacted section 121. The City of London enacted a municipal financing by-law on September 20, 1982 which constituted a wholesale adoption of section 121's mandatory provisions. Recent experience in this jurisdiction has uncovered the problem that municipal boards and commissions are exempt from regulatory provisions, thus promoting certain inequities. For example, because a Council member may sit on these boards, he theoretically becomes subject to discrimination as the only board member obligated to disclose his campaign financing.

Several municipalities have imposed additional restrictions in their by-laws. The City of North Bay enacted a by-law on October 18, 1982 which included a more extensive definition of 'election expenses' than in section 121 and further added a definition of 'volunteer labour'. The City of Ottawa has had election financing by-laws on its statute books since August 6, 1980 under a previous Municipal Act authority. These by-laws regulate and limit expenditures for mayoral and aldermanic campaigns. Indeed, in a 1980 submission to the provincial Minister of Intergovernmental Affairs, the City of Ottawa lobbied for express spending and contribution limitations in any future amendment of section 121. Unique to provincial municipalities, the current Ottawa by-law (enacted August 4, 1982) creates an enforcement commission to be convened during election periods. The mandate of the commission includes the examination of financial statements required under the by-law, investigation of breaches of the by-law, the reporting of such breaches to Council, and assisting the City Clerk in the preparation of candidate guidelines. The enforcement commission is proposed as a body of non-partisan composition, largely to avoid the possibility of the City Clerk having to challenge the right of his political masters to sit in Council should they contravene the by-law. An independent commission removes such decisions from City Council and the city administration.

Despite improvements in enforcement laws and procedure, under section 106(1) of the Municipal Elections Act, any prosecution for corrupt practices must be commenced by a generally endorsed writ from a public-spirited elector. Until such an elector steps forward, the By-law Review Committee (as the commission is formally called) will not make the results of any investigation available.

Critics of the current section 121 in the provincial Assembly have argued that the permissive nature of the legislation hinders uniformity and universality.[115] As well, there have been calls for spending limitations which have been rebutted with the same logic that the Government has used to counter similar initiatives at the provincial level.[116] It has also been urged (for example, by the provincial government's Royal Commission on Metro Toronto) that public subsidy provisions in the Election Finances Reform Act be adapted to the municipal level. This idea has been introduced in the province of Quebec and employs similar thresholds on qualification and entitlement as respective provincial legislation. The call for a tax credit at the municipal level has been rejected because such a program would entail the subsidization of city politics from funds accruing to a different level of government - that is, from provincial coffers.

Currently, the province of Ontario has steadfastly refused to make municipal campaign financing legislation universally applicable and uniform. Arguing that municipalities are uniquely responsive bodies, the imposition of strict rules and more complex paperwork may add to general unfairness as between municipalities different in both size and character.

In a recent departmental study by the Provincial-Municipal Affairs Secretariat, it was found that most of the municipalities that have enacted by-laws have chosen simply to follow the skeletal section 121 provisions verbatim.[117]

(h) Prince Edward Island

On June 23, 1983, a new regime of election financing legislation was given Royal Assent in the Province of Prince Edward Island. While no date has been set for proclamation at the time of writing, Bill No. 53[118] provides for several of the substantive reforms enacted earlier in other jurisdictions.

The definition of 'election expenses' in section 1(c) of the Bill includes costs incurred in candidate selection conventions, "news" broadcast, or a candidate's personal expenses if they are campaign-related. The concept of agency is imported in section 2 and 3 of the Bill with the provision that recognized parties and candidates shall have official agents with the power to incur election expenses. Section 6(1) of the Bill stipulates that only an official agent or a representative authorized by him in writing may incur election expenses, and any payment of 25 dollars or more for such expenses shall be evidenced by a receipt providing all particulars required for auditing purposes.

Section 8(1) of the Bill places a global spending limit on party expenditures during a campaign. This limit is equivalent to two dollars muliplied by the total number of electors in the province. Candidate expenditures are limited to the equivalent of $1.25 multiplied by the number of electors in the electoral district, to a maximum of $12,000. If the number of electors is less than three thousand, then the maximum limit is $6,000. In the case of multi-member constituencies, these limits are shared by candidates from the same party, although they may be divided equally. Section 9(3) of the Bill allows for indexing of these limits with the

Charlottetown/Summerside Consumer Price Index, using the 1983 index as a base year.

Candidate reimbursement schemes appear in section 10(1) of the Bill, and impose a qualifying threshold of 15 percent of the valid votes cast in the district. Payment of the reimbursement may be to the candidate's official agent or to the official agent of the party, depending on the direction of the party leader. The amount of the subsidy shall not exceed 32 cents for each elector whose name appears on the official list of electors to a maximum of $1,500 and a minimum of $750. The amount of reimbursement is also tied to the consumer price index.

Reporting provisions require that official agents deliver financial reports to the returning officer within 60 days after the election. After one month, the returning officer is to forward all statements, invoices, receipts and vouchers submitted to him to the Chief Electoral Officer. Party agents have 120 days to forward their affidavits, invoices, receipts and vouchers to the Chief Electoral Officer. Public inspection of filed statements extends for a six month period, after which the Chief Electoral Officer may return them to parties and candidates if so requested or destroy them.

Any official agent who incurs expenses above the maximum limits set by the Bill, files a false report, invoice, receipt or voucher or pays a claim after delivery of his report otherwise than as permitted by the Bill is guilty of a corrupt practice.

Any excess contributions above the expenses enumerated in section 19(1) of the Bill must be paid by the candidate to the local constituency association, to the official agent of the recognized party or to the Minister of Finance and Tourism for the Consolidated

Fund. In Prince Edward Island, the Bill stipulates that excess funds must be paid over within one month after the candidate receives his reimbursement.

Where a contribution of more than 25 dollars is made to a registered party and the contributor requests a receipt for this contribution, the contributor may claim a tax credit according to the formula set out in the Income Tax Act of the province.[119]

The name and address of contributors shall be recorded by the official agent of the party or candidate if a single contribution exceeds $250 or if annual contributions from a single source exceed $250 in the aggregate.

Finally, section 23(1) of the Bill allows for an annual party subsidy equivalent to multiplying the total number of valid votes cast for a party in the general election by a figure not exceeding 25 cents. The determination of the actual amount of the monetary figure involved is left to the Lieutenant Governor in Council in consultation with the Leader of the Opposition.

(i) Quebec

In 1963, the province of Quebec became the first electoral jurisdiction in Canada to restrict party campaign expenses and institute candidate reimbursements.[120] These laws were revised in 1977 with the introduction of the Loi Regissant le Financement des Partis Politiques,[121] which was introduced by the Parti Quebecois Government and unanimously passed by the National Assembly. Since then, amendments have been made in 1978, 1979 and 1982. The Taxation Act[122] was also amended in 1977 to implement individual tax incentives for political donations.

The Act to Govern the Financing of Political Parties had created a new public official responsible both for overseeing the application of the Act and keeping the public informed on all related matters. Formally called the Director General of Financing of Political Parties, this office also had the benefit of an Advisory Committee on Election Finances in order to assist in interpreting the Act and formulating guidelines. In 1982, Section III and Section IV of the Act, which established the powers of the Director General of Election Financing and the Advisory Committee, respectively, were abolished. In their place, section 2.1 of the Act directed that the Director General of Elections would now be charged with supervision of the present law. Since the duties of the Director General of Elections involve all aspects of election law, it appears that the province of Quebec has now returned the enforcement of campaign finance laws to the equivalent of the Chief Electoral Officer. Various observers have attributed this move both to the financial extravagance of the now-abolished office and to the bureaucratic strategies of other actors in the regulation of elections in Quebec.

Despite this administrative retrenchment, substantive provisions remain in force. Contributions are strictly regulated. Only individuals may contribute to parties, district associations and candidates, and the annual aggregate limit on individual donations is set at $3,000. Corporations are prohibited from making donations. This severe prohibition on the source of funds is unique in Canada.

In order to receive contributions and subsidies and make expenditures, parties must be authorized through registration with the Director General of Elections. While volunteer work, small anonymous donations at political meetings and annual party membership fees under $25 are exempted from regulation, goods and services are generally considered contributions for the purposes of the Act.

Detailed reporting of contributions and expenses is required of all authorized parties, associations and candidates. Information in financial returns of contributions over $100 is made public.

Election expenses are defined and limited generally.

While tax deductions for political donations are allowed, the levels of these deductions are lower than all other jurisdictions providing similar tax incentives. Section 776 of the Taxation Act allows deductions of 50 per cent for the first $100 and 25 percent of the second $100 contributed, to a maximum deduction of $75.

The Act also provides for the public financing of political parties represented in the National Assembly by means of an allowance paid out of government funds. This provision pre-dates the Act to Govern the Financing of Political Parties by two years.[123] An amount in excess of $1,000,000 is divided among the represented parties annually in proportion to the percentage of votes it obtained in the last general election. This system has been criticized as hindering developing parties and unfairly aiding moribund parties.

Existing party funds held at the time that the new provisions came into force were frozen at that level, save for accrued interest. Pursuant to section 99 of the Act, these funds had to be reported to the Director General and placed in a trust fund in a chartered bank, trust company or credit union.

Although section 2 of the Act stipulates that only electors may make contributions, section 75 permits a form of contribution by news media. It states that in inter-election periods, every broadcaster or owner of a print media concern may make free time or space available to authorized parties. All parties receiving at least three percent of the valid votes cast in the last general election may take advantage of this, and the contributing media must offer these services equitably to each party with regard to quality and quantity. The addition of section 106.1 in 1982 extended the section 75 provision to election periods as well. It also extended these privileges to candidates.

Unlike Ontario, where the Gift Tax Act has been repealed, there are gift tax consequences for political contributions in Quebec. Section 1199(d) of the Taxation Act exempts aggregate gifts to a person of $100 or under. Thus a donation of $100 or less to a candidate is tax exempt for gift tax purposes.

Under section 62.1, candidate expenditures for food, travel and lodging related to the campaign and not covered by reimbursements and any personal expenses up to $2,000 are deemed not to be a contribution. Publicity expenses cannot be underwritten as personal expenses.

In order to make spending limitations meaningful, section 101(3) of the Act makes pre-writ expenditures for advertising and campaign literature subject to the provisions of the Act.

Party spending limits provide that aggregate expenditures must not exceed the equivalent of 25 cents per elector in all electoral divisions in which there is an official candidate. Candidate ceilings are set at 70 cents per elector in the contested district. Several large electoral districts have had their spending limits increased by varying amounts in section 109(3) of the Act.

All expenditures on advertising must be accompanied by an identification of the printer and the identity of the sponsoring party. Under section 107, a publicity agent may qualify as an official agent for the purposes of incurring advertising expenditures if the Director General is notified of the move and he is satisfied that it is a bona fide agency.

The Act provides for extremely detailed filing rules. An outline of these rules appears in the jurisdiction synopsis in Part Three.

The public funding provisions of the Quebec Act are perhaps the most extensive in Canada. The Act invokes the three major pillars of subsidy schemes by legislating tax incentives, reimbursement of candidate expenses and global party subsidization.

Section 55 of the Act requires the Director General to pay an annual allowance to every authorized party represented in the National Assembly. The amount (25 cents multiplied by the number of electors on the revised electoral list) is distributed proportionately with party representation in the Assembly and is paid at the rate of one-twelfth each month rather than as a single lump sum payment. Section 57 directs that the amount must be used for the costs of party administration, the dissemination of party policies and programs and the political activities of party members. Verification depends on the submission of documents attesting to the actual incurring of these costs.

Candidate reimbursement is calculated at 50 percent of actual expenses incurred and paid or the amount of such expenses incurred and paid up to 15 cents per listed elector, whichever is greater. Qualification standards are stringent in that the candidate must be elected, obtain at least 20 per cent of the valid votes cast, have won election previously in the last general election, and represent either of the two parties which garnered the most votes in the election in that district. In the case of a new electoral division, candidates may make recommendations under section 72 of the Act to the Director General. In several enumerated electoral divisions, the reimbursement amount is raised.[124]

A wide range of offences are provided to aid enforcement, and these are outlined in the synopsis in Part Three of this study.

The Director General of Elections has also been given extensive control over municipal elections, by far the broadest municipal supervision by a provincial election officer in Canada.

Finally, the most recent amendment of the Act made Quebec the first province to take spending restrictions out of the ambit of the new Charter of Rights and Freedoms.[125]

(j) Saskatchewan

The regime currently in place in the Province of Saskatchewan provides extensive controls over election financing. The first legislative efforts in this regard were enacted on May 10, 1974 in the form of amendments to the existing Election Act.[126] There have been three major amendments since, in 1976, 1978 and 1980-81.

The Act requires that political parties must be registered before they can solicit or receive contributions or incur or pay any expenses for the party or on behalf of the party's candidates. It should be noted that the Province of Saskatchewan does not register constituency associations or candidates. The status of constituency associations is not therefore defined in the Act. Each registered party must also have a chief official agent, and sections 219 and 231 (1) restrict the receipt of contributions and the expenditure of money on behalf of the party to the official agent.

Candidates appoint a business manager to perform the tasks outlined above with respect to the powers of the party agent. Since section 226(4) does not mention the business manager with respect to the ultimate responsibility of the represented entity, it may be that business managers are exempt from the doctrine of agency.[127]

There are no limits on the amount of money that can be contributed, although sections 210(2) and 218(1) direct that donations over $100 must be disclosed as to source and amount. Section 221 prohibits anonymous donations, and any such donations received which cannot be returned must be paid over to the province's Consolidated Fund.

A comprehensive definition of "election expenses" is provided in the Act, and limitations exist on both candidate and party spending. At an election, each candidate is allowed to spend an amount fixed by section 214 or an amount determined when a statutorily fixed amount is multiplied by the number of names on the voters' list, whichever amount is larger. These limits are subject to adjustment for inflation. Adjustment is achieved by replacing a fixed dollar amount in the statute with an adjusted amount determined annually using 1981 as a base year, 1981 being the year this provision was enacted. Adjustments are based on the consumer price index.

Party expenditure limits are set by section 208(1) of the Act. Before 1981, this limit was statutorily fixed at $250,000. This figure is also now adjusted annually in relation to the consumer price index. For the adjusted amounts for the period January 1, 1983 to December 31, 1983, see Appendix 11.

Candidate reimbursements are based on a threshold of 15 percent of the popular vote in an electoral district. The amount of the reimbursement is set at 50 percent of the candidate's lawfully incurred election expenses. Reimbursement is also contingent on the satisfactory completion of all required filings under the Act.

If a party endorses candidates who obtained in the aggregate 15 percent of the valid votes cast, the party is also eligible for reimbursement. This rule has been rigidly applied. The Liberal Party failed to qualify by 1.3 percent after the 1978 elections and was accordingly denied its reimbursement, despite arguments that the threshold figure was merely designed to discourage "fringe" parties, assuming, of course, that the Saskatchewan Liberal Party was not a "fringe" party. The amount of the party reimbursement is calculated by section 223(1) as the lesser of an "adjusted amount" of $98, 228 (1981) and one-third of the amount of election expenses lawfully incurred on behalf of the party and within the spending limits imposed by section 218.

Public funding also covers auditors' accounts for elected candidates and is the lesser of an annually adjusted amount and the amount of the auditor's fee.

Certain expenditures, such as partisan advertising between elections, are also regulated by the Saskatchewan Act. The total expenses incurred either directly or indirectly by a party for advertising in the province in a fiscal year cannot exceed a specified amount. Starting at a 1981 base figure of $98,228, this limit is adjusted annually. Partisan advertising includes all expenses incurred by a person, trade union or corporation with the knowledge and consent of the party or candidate. During an election, party advertising limits are set at 40 cents multiplied by the number of names on all the revised voters lists in all electoral divisions in which the party has endorsed candidates. In the case of candidates, advertising limits are set at 25 cents multiplied by the number of names on the revised voters list for the district. Section 44(2) allows for the variation of these amounts, but such a variation must not come into effect during an election period.

Parties and candidates must report all contributions received over the stipulated amounts and all expenditures made. These reports are made public. Four months from the end of the fiscal period, parties must file reports on advertising expenditures and operating costs. Section 228 of the Act requires broadcasters and publishers to file a general return with the Chief Electoral Officer within two months after polling day. The return indicates the use of party election advertising and the rates charged. Failure to file leaves the broadcaster, licensee or publisher open to a maximum fine of $5,000 on summary conviction. Acquiescing directors or managers of these entities are liable to a further equivalent fine as well.

Political parties are required to submit returns both after an election and after the end of the party's fiscal year. All such returns must be supported by an auditor's certificate, and the Chief Electoral Officer must make these returns a matter of public record.

Administration and enforcement of the election finance provisions rest primarily with the Chief Electoral Officer, as there is no separate body created under the Act for the supervision of these matters. In conjunction with the initiation of investigations into contraventions, however, the Chief Electoral Oficer may appoint a commissioner of election expenses.

Finally, section 229 of the Act restricts the Government of

Saskatchewan from advertising during an election campaign, unless such advertisements are necessary in the public interest or of an emergency nature. This provision responds to the timely issue of incumbent self-promotion and especially its use as a means of evading restrictions in other channels of electioneering.

(k) The Territories

Neither the Yukon nor the Northwest Territories have reforms on the scale of the provinces or the federal level of government currently in place. There is also no movement to enact such reforms at the time of writing. The Elections Ordinance of the Yukon does not regulate contributions. The 1977 Election Ordinance[128] does place the usual limitations on the personal expenses of candidates, however. As of 1980, no financial reporting was required of candidates. This was due to the fact that no candidate had spent over $2,500 previously and the time taken for the administration of reporting systems was not justified by the meagre amounts spent.

The Northwest Territories also does not regulate contributions, although the Election Ordinance of 1978[129] provides for the reporting of the names of all contributors of sums of over $100. Public examination of these returns is allowed under the Ordinance. Within four months of polling day a complete return is required from every official agent, listing all contributions and expenditures. This return must include all bills relating to payments made and must be filed with the returning officer. Enforcement in the Northwest Territories is the province of the Commissioner of Canada Elections.

1.4 CONCLUSION: SOME CURRENT ISSUES

While all ten provinces and the federal Government have enacted legislation dealing with electoral reform, 1983 has seen the enactment of major additions and deletions from many of these schemes. In several provinces, including Ontario, the future promises to be filled with much formal debate concerning major substantive changes in currently operative legislation. While the federal legislation has been amended in 1983, the next round of regulatory improvement in most provinces is perhaps several years away, as most provinces have recently instituted reforms and hence tend to settle in to a period of observation with respect to the administration and effect of these reforms.

The current concerns of administrators and reformers at both levels of government seem to be focussed on the effect of the new Charter of Rights and Freedoms on election financing limitations and the problems engendered by attempts to limit who may incur expenditures in electoral contests generally. This latter concern has existed since the mid-1970s, and the advent of the Constitution Act of 1982 has only served to make the issue more timely. While the federal level, through the Office of the Chief Electoral Officer, is active in considering regulatory responses to challenges to the entire framework of election financing reforms on the basis of abridgement of fundamental freedoms, the provinces are beginning to examine possible defences as well.

Advertising by government has long been relied upon by incumbent regimes to trumpet the services it offers the public and to remind the electorate of the admirable condition of the ship of state on the eve of an election. Because of the suspicion that, apart from instances of voter backlash, government advertising constitutes a loophole through which governments obtain an unfair electoral advantage, some jurisdictions have sought to regulate the practice. At present, Saskatchewan and Manitoba have prohibited government advertising during an election. Both jurisdictions provide exceptions to the ban that, if widely interpreted, could detract from the legislative intent of the provisions. As well, section 13.7(1) of the Canada Elections Act may contain a limited restriction on government advertising in that it makes it an offence for a registered party or any agent to procure partisan advertising in a "government publication". On summary conviction, the party so doing is liable to a fine of up to $25,000. However no guidance is given as to what constitutes a "government publication".

In Saskatchewan, section 229(1) of the Election Act bars any department, board, commission, Crown corporation or agency of the Government of Saskatchewan from publishing any manner of information on its activities during an election period "except in the case of an emergency where the public interest requires the publication of any such information or particulars". Section 229(2) extends the prohibition to broadcasting undertakings, which must disclose whether any such advertising has been permitted.

The Manitoba provision restricting election period advertising by government had not been proclaimed at the time of writing. Section 56(1) of Bill 48 includes three categories of exceptions to the ban on government advertising, namely, advertising in continuance of earlier advertising concerning ongoing programs, advertising to solicit employment and advertising required by law. The first of these exceptions has the greatest potential for abuse.

Other than in these two instances, advertising by governments at all levels continues to grow dramatically. In 1980, governments spent $6.66 per capita on advertising programs, and the federal government became the largest single advertiser in the country.[130]

For the purposes of analysis, one commentator[131] has labelled government advertising in terms of informational advertising designed to alert the public to important new rules or public notices and of promotional advertising. This latter category may be further divided into those advertisements clearly designed to encourage a defined public program (such as seat-belt legislation) and advertisements simply intended to enhance the position of the incumbent government. It is this last aspect which gives rise to the greatest concern on the part of election finance reformers intent on assuring a measure of equity in the system.

Examples of the sort of abuses that have arisen in the federal context include a spate of government advertisements presented in the 1980 election year concerning the patriation of the Constitution, the decision to award a large defence contract and the selling of the Government's energy policies. While the Government's National Energy Policy was being roundly criticized for its radical restructuring of energy industries, the Government spent $4 million bolstering support for its policies in this area with advertised exhortations to work toward consensus on facing energy-related problems. As well, the Government in Ontario has been accused of promotional advertising in its 1981 campaign which urged Ontarians to "Preserve It. Conserve It." The practical result of the burgeoning of government advertising has been two-fold: governments have taken to subsidizing programs through the communications media to bolster their positions; and media organs have become dependent on government patronage.

While governments may argue that "Canadians have a right to full and accurate and timely information about their government"[132], the continuance of marginally informational advertising has raised the question whether such expenditures ought to be banned outright during politically sensitive periods such as elections. Further, the advent of advertising wars between governments through their respective proxy agencies has had the adverse effect of removing debate from Parliament or the provincial legislatures and transporting it to headlines and broadcasting spot announcements.

Despite these dangers, no jurisdiction has chosen to follow Saskatchewan and Manitoba in legislating in this area touching on election law. In October, 1980 the issue came to the attention of the Ontario Commission after it had been raised in the Assembly. The Commission decided that the Election Finances Reform Act was silent on the issue and further that the Commission should not be given the power to determine whether instances of government advertising are politically partisan.

A corollary issue is whether private advocacy advertising should be permitted to counter-balance the presentation of issues, especially during election periods. Advocacy advertising trenches on the presentation of differing political philosophies. It would encompass private groups such as the Public Petroleum Association of Canada spending to counter perceived government misrepresentations about its industry.[133] It would also include negative advertising directed expressly at political entities such as the advertising produced by the National Citizen's Coalition.[134] Finally, it would include general advertising designed to promote a perceived normal value system, such as the "Let's Free Enterprise" campaign conducted by private interests contiguously with the 1979 federal election campaign. The laws precluding anyone but a candidate, party, or their official agents from incurring expenditures designed to promote or oppose a particular candidate or party seem to be the most effective control on advocacy advertising outside the electoral process. A fine line exists between expenditures constituting general free speech on an issue of public policy and expenditures in relation to the position of a particular candidate or party. Section 49 of the new Manitoba election finance legislation seems to make this distinction in its allowance of third-party expenditures and their exemption from being considered election expenses for the purposes of the Act.

In most jurisdictions, the right to place partisan advertisements and spend in other desired ways is restricted exclusively to candidates and parties during a campaign. The constitutional issue arising therefrom is that citizens and special interest groups are denied the right to express themselves by supporting or opposing particular candidates and parties. In some cases there is a saving provision from this prohibition that allows bona fide public interest bodies already extant to place advertisements. This exception usually stipulates that such advertisements shall not directly advocate support for or opposition to a specified candidate or party.

Despite the free speech guarantees contained in section 2(b) of the Charter of Rights and Freedoms, Canadian courts may rely on the "reasonable limits" clause in section 1 of the Charter and weigh decisions in favour of the equitable goals of legislative restrictions.

American judicial interpretation on this point has resulted in the anomaly of the "parallel campaign". Media expenditures that cannot be linked to the official campaign of a candidate or party escape regulation under constitutionally guaranteed free speech. The U.S. Supreme Court decisions in Buckley v. Valeo[135] (which declared spending limitations as violating the First Amendment) and First National Bank v. Bellotti[136] (which allowed corporate advocacy spending) form the backbone of American development in this area.

By contrast, the federal Office of the Chief Electoral Officer has taken legislative action to amend the Canada Elections Act without running afoul of the free speech guarantees. Pinned upon section 3 of the Charter, which grants every citizen the right to "be qualified for membership in the House of Commons", the Act now provides as follows: s. 70.1(2): Every registered agent of a registered party and every other person acting on behalf of a registered party who, with the actual knowledge and consent of an officer thereof, between the date of the issue of the writs for a general election and the day immediately following polling day, incurs election expenses for the primary purpose of promoting the election of a particular candidate or person likely to become a candidate, other than the leader of the party, and not primarily for the purpose of promoting or opposing a particular registered party is, unless such expenses are incurred on behalf of the particular candidate, guilty of an offence against this Act. This provision is similar to the limitation that appears in Article 105.1 of the Quebec Act to govern the Financing of Political Parties, which contains the following prohibition:

> Pendant une election personne autre que l'agent officiel d'un candidat ou d'un parti reconnu ne doit faire or autoriser des depenses electorales.
> (During an election no person other than the official agent of a candidate or of a recognized party shall make or authorize election expenditures.)

In a recent challenge to the Quebec prohibition involving advertising expenditures made by the Centrale de L'Enseignement du Quebec (C.E.Q.) in the April 13, 1981 provincial election[137], Mr. Justice Raymond Bernier tested the provision against the Quebec Human Rights legislation and found the C.E.Q. guilty nonetheless of a violation of Article 105.1. On the question of abridgement of free speech rights, the court held:

> Je partage entierement l'avis exprime par l'Honorable Juge Claude Guerin dans la decision *Benoit Roberge c. Le Procureur General de la Province de Quebec* a l'effet que la liberte d'expression n'est pas equivalente a la liberte de depenses.
> En effet, les dispositions de l'article 101 ne restreignent pas le droit de s'exprimer mais bien le droit de *depenser pour s'exprimer* ... (italics in original).[138]
>
> (I agree entirely with the opinion expressed by Hon. Mr. Justice Claude Guerin in the decision Benoit Roberge c. Le Procureur General de la Province de Quebec to the effect that freedom of speech is not the same as freedom to spend.
> In fact, the words of article 101 limit not the right of free speech but the right to spend money to express oneself).

This divorcing of money from pure speech and the assertion that monetary expenditure is not necessarily a political statement contrasts with the American experience. In addition, it will probably be the basis of future Charter-based constitutional challenges to equitable limitations on advocacy and third-party spending at the federal level.

In Saskatchewan, section 231 of the Election Act[139] limits the right to incur expenditures to parties, candidates, business managers and agents and anyone so authorized by these entities. However section 231 has a saving defence based on issues of public policy, the representation of an organization and good faith.

Ontario has enacted advertising limitations and section 23 of the Election Finances Reform Act deems advertising as a contribution for the purposes of the Act. Thus third-party advertising which carries the approval of a political entity may be counted toward the limitations of the candidate or party it is designed to benefit.

Ontario has also seen a constitutional challenge to the basic tenets of election finance law in 1983. Arising out of municipal disclosure laws patterned on provincial law, a municipal candidate argued in Weekly Court that such laws discouraged contributions towards his campaign and were therefore discriminatory under the Charter. The statements of law filed in the case by the parties and the Attorney General of Ontario made reference to leading American Supreme Court decisions. The substantive issue was not decided because the presiding justice dismissed the aplication on the basis of insufficiency of evidence. The affidavits filed by the plaintiff's campaign manager were deemed insufficient to found a Charter case. The value of the decision, however, is that the Courts in Ontario will not proceed lightly on a challenge to legislation based on the Charter of Rights.[140] It must be founded on solid factual evidence.

New Brunswick is the final jurisdiction which imposes advertising expenditure limitations in its election financing law. Section 70(1) of the Political Process Financing Act limits who may incur expenses, and provides further for a designated publicity agent, who requires authorization from party and candidate agents. The law in New Brunswick has not yet been tested as to its constitutional validity.

ADDENDUM

Bill C-169 of the Parliament of Canada, passed in December 1983 has the effect of prohibiting any person other than a candidate, official agent or registered political party from displaying or distributing printed advertisements, handbills, etc; or from incurring election expenses for the purpose of promoting or opposing, directly and during an election, a particular registered party or the election of a particular candidate between the date of the issue of the writ and the day immediately following polling day.

Violation, on summary conviction, could lead to a $1,000 fine or up to one year's imprisonment.

At the time of passage and subsequently, House leaders for the major parliamentary parties strongly supported this ban on advocacy advertising during campaign by non-party groups. The dangers of increased restriction were seen to be more than counterbalanced by the perceived dangers of undue influence, the unwanted paralleling of American developments and the desirability of preventing circumvention of the law in general. Further, sitting Members allowed that there were no regulations restricting unaffiliated advocacy spending outside the campaign period.

The first shot in the upcoming battle over this new law was fired on January 16, 1984. On this date the National Citizen's Coalition purchased a half-page advertisement in the national Globe and Mail newspaper roundly denouncing the federal amendment as violating free speech guarantees enshrined in the Charter of Rights and Freedoms. On this same date, the Coalition launched a lawsuit in an Alberta court. Perhaps destined to reach the Supreme Court of Canada, the action has prompted renewed public discussion of the general aims of election finance legislation.

Yvon Tarte, legal adviser to the federal Chief Electoral

Officer, described the amendment as being "designed to protect the integrity of the system by allowing equal access to those who want to become Members of Parliament",[143] thus outlining the constitutional peg upon which the Government will probably rely in the court challenge. The view of proponents is perhaps best summarized by Ronald Gould, assistant Chief Electoral Officer, who analogized elections to baseball games. "It's fine to cheer and yell", he commented, "but the audience can't go into the field. That would destroy the whole game".[144]

Opponents of the amendment have been equally vociferous. In a televised statement, the chief official of the National Citizen's Coalition declared that "Our Government has done a dastardly thing. It has taken away a chunk of our voting rights".[145] Numerous anti-abortion groups (recently active in denouncing contrary New Democratic Party policies) have also attacked the amendment. A spokesman for Campaign Life stated that:

> What has been done stifles free speech. It's not enough to say we can still advertise the issues. We cannot identify the party or candidates who support issues we oppose... They (Members of Parliament) are there in Ottawa to protect our freedoms. Instead, they are taking them away.[146]

This general view found editorial support in the Globe and Mail, which argued that the closing of the section 70.1 loophole in the Canada Elections Act was not justified. The simple reasoning that the new amendment would be easier to police was not accepted as adequate in light of the curtailment of the rights of openly-allied, though independently operated groups.[147]

However the preponderance of published commentary in the wake of the court challenge has been favourable to the new amendment. Spokesmen for the Canadian Chamber of Commerce, the United Steelworkers of America,[148] the Canadian Labour Congress and the Canadian Civil Liberties Association[149] have expressed sympathy with the goals of the legislation. Most of these groups see the new section 72 of the federal Elections Act as somehow "necessary", if "regrettable". For many, this trade-off in favour of the better protection of the electoral process was emphasized by concurrent reports emanating from the United States voicing concern over the unregulated flow of expenditures and "soft money" in the 1984 election year. The Toronto Star, for example, came out strongly in favour of the legislation on April 29th, 1984, citing a pro-Reagan TV production in the United States, financed by non-candidate funds. But the Globe and Mail reported ten days earlier that the official opposition in Ottawa is now opposed. The debate will no doubt continue until settled by the Courts.

No similar legislation is indicated in Ontario. When this Commission's operation came before the Legislature's Committee on General Government on May 2nd, 1984, the view was strongly expressed that no such change should be made in Ontario.

END NOTES

Part One

1. D. Adamy and G. Agree, *Political Money* - (Baltimore: the John's Hopkins University Press, 1975) at p.2.
2. S.C. 1874, c.9.
3. J.P. Boyer, *Money and Message: The Law Governing Election Financing, Advertising, Broadcasting and Campaigning in Canada* (Toronto: Butterworths, 1983), p.1.
4. K.Z. Paltiel, *Party, Candidate and Election Finance: A Background Report* Royal Commission on Corporate Concentration, Study No.22 (Ottawa, July 1976), p.12.
5. Boyer, fn 3 *supra*.
6. *Report of the Committee on Election Expenses* (Barbeau Report) (Ottawa: Queen's Printer, 1966), p.17.
7. Paltiel, fn 4 *supra*, p.13.
8. An Act to Further Amend the Dominion Elections Act, S.C. 1891, c.19, s.14.
9. An Act to Further Amend the Dominion Elections Act, S.C. 1908, c.26.
10. Boyer, fn 3 *supra*, p.6.
11. Dominion Elections Act, S.C. 1920 c.46, s.10.
12. R.S.C. 1970, c.14 (1st Supp.).
13. Paltiel, fn 4 *supra*, p.17.
14. *Id*., p.18.
15. S.Q. 1963, c.13.
16. K.Z. Paltiel, *Political Party Financing in Canada* (Toronto: McGraw-Hill, 1970) p.144.
17. Barbeau Report, fn 6 *supra*, p.37.
18. Report of the Special Committee on Election Expenses (Ottawa: Queen's Printer, 1971).
19. S.C. 1973-74, c.51, as amended by S.C. 1977-78, c.8.
20. K.Z. Paltiel, "Campaign Financing in Canada and Its Reform" in H.R. Penniman, ed. *Canada at the Polls: The General Election*

of 1974 (Washington, D.C.: American Enterprise Institute, 1975) pp.200-201.

21. fn 15, supra.

22. S.O. 1975, c.12.

23. The Election Finances and Contributions Disclosure Act, S.A. 1977, c.18.

24. An act to Govern the Financing of Political Parties, S.Q. 1977, c.11: as amended by S.Q. 1977, c.12.

25. Report, Vol. IV, Royal Commission on Electoral Reform, 1978 (Victoria, 1978).

26. Income Tax Amendment Act, 1979, S.B.C. 1979, c.12; now incorporated into the Income Tax Act, R.S.B.C. 1979, c.190.

27. The Election Act, R.S.S. 1978 c.E-6 s.203-232, as amended to 1981; Political Process Financing Act 1978 as amended by S.N.B. 1978 c.82; S.N.B. 1979 c.41: S.N.B. 1980 c.40.

28. fn 24 supra, as amended by S.Q. 1978 c.6, c.13, c.15; S.Q. 1979, c.37, c.56; S.Q. 1982 c.17, c.21, c.31, c.54, c.62, s.125.

29. Bill no. 53, 32 Elizabeth II, 1983 (Election Expenses Act).

30. fn 1, supra, pp.8-12.

31. E. Anderson, Campaign Finance in Wisconsin After Bailey, (1976) Wis. L. Rev. 816, pp.819-20.

32. fn 18, supra, p.104.

33. Ibid.

34. Ontario Commission on Election Contributions and Expenses, A Comparative Survey of Election Finance Legislation 1978 (Toronto, 1978), p.4.

35. D.E. Osborn, "Business and Political Donations: A Framework for Decision" Business Quarterly vol.40 (Spring, 1975), p.89.

36. fn 1 supra, p.44.

37. Id., p.5.

38. S. Isenberg, "Can You Spend Your Way Into the House of Commons?" Optimum vol.11, no.1 (1980) pp.28-39; _________, Optimum vol.12 no.4 (1981) pp.5-15.

39. Id., "Spend and Win?..." p.14.

40. Manitoba Law Reform Commission, Working Paper on Political

Financing and Election Expenses (Winnipeg, February, 1977).

41. fn 1 supra, pp.56-57.

42. Id., p.99.

43. Ontario Commission on the Legislature, Third Report (Camp Report) (Queen's Park, September, 1974), p.40.

44. H. Alexander, Money in Politics (Washington, D.C.: Public Affairs Press, 1972) p.238.

45. Manitoba Working Paper, fn 40 supra, p.69.

46. fn. 1 supra, p.16.

47. S.C. 1973-74, c.51 as amended by S.C. 1977-78, c.8.

48. fn 6 supra.

49. s.13, Canada Elections Act.

50. fn 4 supra, p.22.

51. Allocation of amounts donated by a partnership was clarified in a 1976 amendment to the Income Tax Act, S.C. 1976-77, c.4. Section 127(4.2) of that Act deems that each partner has personally made his share of the donation.

52. Notably, Alberta and Ontario.

53. It should be noted that taxpayers cannot claim the federal tax credit for donations to provincial or municipal parties or candidates. See J.M. Pappin, "Tax Relief for Political Contributions" Canadian Tax Journal vol.24 no.3. (May-June, 1976), p.303.

54. R. Dube, "Federal Elections: A New Dimension" CGA Magazine, vol.12 no.3 (March, 1978), p.34.

55. Section 115 provides that anyone who wilfully and without lawful excuse contravenes an Act of Parliament, unless some penalty is expressly provided by law, is guilty of an indictable offence and liable for imprisonment for two years.

56. For example, in a spring, 1983 constituency report, a Toronto-area Member of Parliament included a questionnaire concerning the possible raising of spending limits and candidate rebates. Of 42,000 reports distributed, the informal survey received only 24 replies.

57. Figures are estimates given by the Hon. John Reid (L.-Kenora-Rainy River) in a letter on June 14, 1983. The Hon. John Reid sits on the Parliamentary Committee charged with overseeing the operation of the Act. Most of section 1.2(h)

of this study derives from his correspondence.

58. R.S.A., 1980, c.E-3.

59. ex juris contributions - s.29(1), federal party transfers - s.30.

60. R.S.A. 1980, c.E-2.

61. R.S.A. 1980, c.E-3, s.2(3).

62. S.15(4) of the Act declares all money paid by candidates out of their own funds for campaign purposes to be a contribution.

63. Election Finances and Contributions Disclosure Act, fn 58, supra, s.28.

64. S.A. 1980, c.10, now R.S.A. 1980, c.A-17.

65. Id., s.34, 35(1).

66. If the Assembly is not sitting, the report must be tabled within 15 days after the start of the next session.

67. R.S.B.C. 1979, c.103.

68. R.S.B.C. 1979, c.190 and "Political Contribution Regulations", B.C. Reg. 340/79.

69. Report, Vol.IV Royal Commission on Electoral Reform, 1978 (Victoria, 1978).

70. fn 68, supra.

71. See Part Three synopsis for exact formula.

72. B.C. Reg. 340/79.

73. S.M. 1980, c.E-32.

74. S.M. 1980, c.67.

75. R.S.M. 1970, c.I-10 as amended by S.M. 1980, c.78.

76. While section 126 of the old Elections Act prohibited corporate contributions, it only seemed to apply during election periods, allowing for an inter-election loophole. see Manitoba Working Paper, fn 40 supra, p.25.

77. Such as spending money to influence votes (e.g. - "treating" or special donations).

78. Thesis of Boyer, fn 3 supra, passim, esp. pp.17-18, 185.

79. Section 50 and section 11 of the Election Finances Act, S.M. 1980, c.E-32; section 169(2) Elections Act, S.M. 1980, c.67.

80. Appendix 8.

81. *Id*.

82. Appendix 9.

83. 'Kooks Subsidy', *Sudbury Star*, June 21, 1983.

84. S.N.B. 1978, c.P-9.3; as amended by S.N.B. 1978, c.82; S.N.B. 1979, c.41; S.N.B. 1980, c.40.

85. *Id*.

86. Income Tax Act, R.S.N.B. 1973, c.I-2; as amended by S.N.B. 1974, c.21 (Supp.); S.N.B. 1975, cc. 29 & 80; S.N.B. 1977, c.15; S.N.B. 1978, cc.29; S.N.B. 1979, cc.35 & 41; S.N.B. 1980 cc.26 & 32.

87. R.S.N.B. 1973, c.E-3 as amended by S.N.B. 1974 cc.12 (Supp.), 92 (Supp.); S.N.B. 1978, cc.17, D.-11.2; S.N.B. 1979, c.41; S.N.B. 1980, cc. 17, 32.

88. Section 81(2), Political Process Financing Act, fn 84 *supra*.

89. R.S.N.B. 1973, C. I-11, as amended.

90. R.S.N. 1970, c.106, as amended.

91. Section 103(2), Elections Act, *Id*.

92. Letter of April 15, 1983, from Elizabeth Strong, Assistant Chief Electoral Officer, Province of Newfoundland.

93. R. Joyce, "The new election act; squabbling among the pols and a ho-hum from the public" *Atlantic Insight*, vol.4 (February, 1982), pp.68-9.

94. R.S.N.S. 1967, c.83; as amended by S.N.S. 1981, c.21.

95. R.S.N.S. 1967, c.134 as amended by S.N.S. 1981, c.21 (proclaimed in force, August 1, 1981).

96. Recommendation no.13, Report of the Election Commission of Nova Scotia, (February 16, 1981), p.14.

97. S.O. 1975, c.12 as amended by S.O. 1975, c.83; S.O. 1977, c.2; now R.S.O. 1980, c.134.

98. S.O. 1975, c.12 s.55.

99. S.O. 1975, c.17.

100. S.O. 1975, c.16.

101. Ontario Commission on the Legislature, Third Report, fn 43

supra.

102. Two corporations are "associated" according to s.256 of the Income Tax Act (Canada) if:

    1) one of the corporations controls the other.

    2) two corporations are controlled by the same person or group of persons.

    3) each corporation is controlled by one person, each person is related to the other and one holds at least 10 percent of the shares in each corporation.

    4) one person controls one corporation and is related to each member of the group that controls the other corporation, provided that one of the group owns 10 percent of the shares in each corporation.

    5) each corporation is controlled by a related group of persons, and each member of one of the groups is related to all members of the other related group and either group owns at least 10 percent of the shares of each corporation.

    6) two corporations are associated with the same corporation at the same time.

103. Standing Committee on Procedural Affairs, Report on Agencies, Boards and Commissions (no.6) (Queen's Park, December 7, 1982), p.30.

104. Section 21, Election Finances Reform Act, fn 97, supra.

105. Guidelines, G-4, para. 4(13) and (14).

106. R.S.O. 1980, c.213.

107. R.S.O. 1980, c.97.

108. J.M. Pappin, "Tax Relief for Political Contributions" Canadian Tax Journal vol.24, no.3 (May-June 1976), pp.300-301.

109. Ontario Commission on the Legislature, fn 43, supra, p.40.

110. Ontario Commission on Election Contributions and Expenses, Consolidation of Recommended Amendments to the Election Finances Reform Act, 1975 (prepared November 15, 1982, amended to May 11, 1983); Standing Committee on Procedural Affairs, fn 103 supra, pp.53-51.

111. Legislature of Ontario Debates, Official Report (Hansard) no.

33 3rd Session, 32nd Parliament, Monday May 30, 1983, pp. 1207-1223.

112. R.S.O. 1980, c.308.

113. *Municipal World* "Regulation of Municipal Election Contributions" vol.92 no.8 (August, 1982) p.198.

114. S. Clarkson, "More Reform for the Candidate, Please" 46 *Canadian Business* August 16, 1973, pp.13-14.

115. Legislature of Ontario Debates, Official Report (Hansard) nos. 95 and 96, 2nd Session, 32nd Parliament, Monday, July 5, 1982, pp.3439.

116. *Id*. at 3438; 3443.

117. City of London, Town of Vaughan, City of Kitchener, City of Peterborough, City of Richmond Hill, City of Brampton, City of Burlington.

118. 32 Elizabeth II, 1983.

119. R.S.P.E.I. 1974, Cap.I-1.

120. S.Q. 1963, c.13.

121. R.S.Q. 1977, c.F-2, as amended by S.Q. 1978, cc.6 and 13; S.Q. 1979, c.56; S.Q. 1982, cc. 31 and 54.

122. R.S.Q. 1977, c.I-3, as amended.

123. S.Q. 1975, c.19, s.36.

124. Ridings of Duplessis, Rouyn-Noranda-Temiscamingue,Saguenay, Ungava and Iles-de-la-Madelaine.

125. S.Q. 1982, c.21 a.1 s.125:

> La presente loi a effet independamment des dispositions des articles 2 et 7 a 15 de la loi constitutionelle de 1982...

126. S.S. 1973-74, c.36, now cited as R.S.S. 1978, c.E-6, as amended.

127. Boyer, fn 3 *supra*, p.145.

128. O.Y.T. 1977 (2nd Sess.), c.3.

129. O.N.W.T. 1978 (3rd Sess.), c.3.

130. Boyer, fn 3 *supra*, p.39.

131. J.P. Boyer, "Government Advertising: Some Wheat; Too Much Chaff" *Business Quarterly* vol.47 no.4 (December, 1982), p.34.

132. Comment of then-Secretary of State Gerald Regan to the Conference Board of Canada in 1981, quoted in D. Francis, "It all ads up...government has no business on the billboards of the nation" Quest (September, 1982), p.14.

133. "Oil group bids for say in political ads" Marketing vol.74 (April 12, 1976).

134. M. Wolfe, "The Case Against Advocacy Advertising" Saturday Night, vol. 95 (December, 1980), p.17.

135. 424 U.S. 1 (1976).

136. 435 U.S. 765 (1978).

137. Boucher c. C.E.Q., February 10, 1982 unreported, (Quebec Provincial Court).

138. Id., 7.

139. fn 126.

140. Patton vs City of London-(unreported) London Weekly Court.

141. Globe and Mail, Jan. 17, 1984, p.4.

142. Id.

143. Mr. Colin Brown, on "The National", Jan. 16, 1984, CBC Vancouver.

144. Mr. Jim Hughes, executive director of Campaign Life, Toronto Star, Jan. 19, 1984, p.A20.

145. Globe and Mail, Jan. 17, 1984, p.6.

146. Toronto Star, Jan. 19, 1984, p.A20.

147. Globe and Mail, Jan. 17, 1984, p.6.

148. Toronto Star, Jan. 19, 1984, p.A20.

149. Globe and Mail, Jan. 17, 1984, p.4.

APPENDICES TO PART ONE

Appendix 1

Candidate expenditure data from the 1979 and 1980 federal general election. Source: S. Isenberg, "Spend and Win? Another Look at Federal Election Expenses" Optimum vol. 12, no. 4 (1981) pp.5-15.

Election Expenses of Candidates Aggregated by Party Affiliation

Part 1	Average per cent of limits spent		Minimum dollars of expenditure required for election		Average expenditure for those who were elected	
	1980	1979	1980	1979	1980	1979
Liberal	77	79	6,700	13,500	22,500	23,500
P.C.	73	77	7,300	8,700	23,000	23,000
N.D.P.	38	34	8,300	8,500	22,200	20,500

Spending Vs. Final Results

	Winning candidates		2nd place		3rd place	
	Riding	% of Total	Riding	% of Total	Riding	% of Total
Highest spender	166	59	95	34	20	7
2nd highest spender	101	36	124	44	47	17
3rd highest spender	15	5	38	13	179	64

Actual Dollars Spent by Winners

	Average dollars spent
Candidates who spent most and won	22,804
Candidates who spent second and won	22,768
Candidates who spent third and won	19,852

Spending Breakdowns

Type of expense	All candidates (Average expend.)		Winning candidates only (Average expend.)		Losing candidates only (Average expend.)	
	1980	1979	1980	1979	1980	1979
General advertising	4,760	5,348	9,936	10,998	3,528	3,957
Office expenses	1,851	1,834	4,223	3,843	1,286	1,339
Radio & TV advertising	1,309	1,054	2,314	1,900	1,069	846
Salaries	1,170	1,284	2,792	2,680	784	941
Others	1,319	1,482	3,368	3,517	831	980
TOTAL	10,408	11,002	22,634	22,938	7,499	8,063
Percent of limit spent	37.53	40.04	81.45	83.35	27.07	29.38

Appendix 2

Limitations on Party Spending
s.13.2(1),(2) and s.13.7(1)
Canada Elections Act

Limitation of expenses of registered parties

"13.2 (1) The chief agent of any registered party that, through registered agents acting with the scope of their authority as such or other persons acting on behalf of the registered party with the actual knowledge and consent of an officer thereof, incurs election expenses on account of or in respect of the conduct or management of an election that exceed in the aggregate the product obtained by multiplying

(a) the product obtained by multiplying thirty cents by the number of names appearing on all preliminary lists of electors at the election for the electoral districts in which there is an official candidate who has the endorsement of the party,

by

(b) the fraction published by the Chief Electoral Officer pursuant to subsection (1.01) that is in effect on the date of the issue of the writ for the election

is guility of an offence against this Act.

Chief Electoral

(1.01) Within thirty days after the coming into Officer toforce of this subsection and before April 1 of each publish fractionensuing calendar year, the Chief Electoral Officer shall publish in the Canada Gazette a fraction as determined under subsection (1.02), which fraction shall be in effect

(a) in the case of any fraction published pursuant to this section on or before March 31, 1984, until that date; and

(b) in the case of any other fraction, for the period beginning April 1 of the calendar year in which the fraction is published and ending March 31 of the calendar year next following.

Fraction

(1.02) The fraction determined under this subsection is the fraction of which

(a) the numerator is the average of the Consumer Price Index, as published by Statistics Canada under the authority of the Statistics Act, for the twelve month period ending December 31 of the year immediately preceding the calendar year during which the fraction is to commence to be in effect, calculated on the basis of 1981 being equal to 100; and

(b) the denominator is 88.9, being the Consumer Price Index, as published by Statistics Canada under the authority of the Statistics Act, for 1980 calculated on the basis of 1981 being equal to 100."

Limitation on period when certain campaigning may take place

13.7 (1) Every registered party that, through any any person acting on its behalf,

(a) between the date of the issue of the writ for an election and Sunday, the twenty-ninth day before polling day, or on polling day or the one day immediately preceding polling day advertises on the facilities of any broadcasting undertaking as defined in section 2 of the Broadcasting Act,

(b) procures for publication or acquiesces in the publication, during the period described in paragraph (a) or on polling day or the one day preceding polling day, of an advertisement in a periodical publication, or

(c) between the date of the issue of the writ for an election and polling day, or on polling day, procures or acquiesces in the publication in a government publication of material that promotes or opposes a particular registered party or a particular candidate

for the purpose of promoting or opposing a particular registered party or the election of a particular candidate is guilty of an offence against this Act and is liable on summary conviction to a fine not exceeding twenty-five thousand dollars.

Appendix 3

Candidate Spending Limits
s.61.1 Canada Elections Act

Limitation of election expenses

"61.1 (1) Every candidate who, directly or through his official agent or any other person acting on his behalf, incurs election expenses on account of or in respect of the conduct or management of the election that exceed in the aggregate the maximum election expenses in respect of the electoral district in which he is a candidate is guilty of

(a) where the election expenses were wilfully incurred or caused to be incurred by the candidate, an illegal practice and an offence against this Act; or

(b) in any other case, an offence against this Act.

Idem

(1.1) Every official agent who, acting on behalf of a candidate, incurs election expenses on account of or in respect of the conduct or management of the election that exceed in the aggregate the maximum election expenses in respect of the electoral district in which the candidate is a candidate is guilty of

(a) where the election expenses were wilfully incurred or caused to be incurred by the official agent, an illegal practice and an offence against this Act;
or

(b) in any other case, an offence against this Act.

Definition of "maximum election expenses"

(2) For the purposes of subsections (1) and (1.1), "maximum election expenses" means the product obtained by multiplying

(a) the amount determined under subsection (2.1), calculated, where applicable, with reference to subsections (2.2) and (2.3),

by

(b) the fraction published by the Chief Electoral Officer pursuant to subsection (2.4) that is in effect on the date of the issue of the writ for the election.

Determination of amount

(2.1) Subject to subsections (2.2) and (2.3), the amount determined under this subsection in respect of an electoral district is the aggregate of

(a) one dollar for each of the first fifteen thousand names appearing on the preliminary lists of electors for the electoral district;

(b) fifty cents for each name in excess of fifteen thousand but not in excess of twenty-five thousand appearing on the preliminary lists of electors for the electoral district; and

(c) twenty-five cents for each name in excess of twenty-five thousand appearing on the preliminary lists of electors for the electoral district.

Additional amount for large districts

(2.2) Where an electoral district has on average less than ten electors, calculated on the basis of the number of names of electors on the preliminary lists of electors, in each square Kilometre in the electoral district, the amount determined under subsection (2.1) for that electoral district shall be deemed to be the aggregate of

(a) the amount determined under subsection (2.1) calculated without reference to this subsection and subsection (2.3), and

(b) fifteen cents for each such square kilometre,

but in no case shall the amount referred to in paragraph (b) exceed twenty-five per cent of the amount referred to in paragraph (a).

Amount where candidate dies

(2.3) Where a candidate for an electoral district dies after the close of nominations but before the closing of the polls, the amount determined under subsection (2.1) for that electoral district calculated, where applicable, with reference to subsection (2.2), is deemed to be one and one-half times that amount.

Chief Electoral Officer to publish fraction

(2.4) Within thirty days after the coming into force of this subsection and before April 1 of each ensuing calendar year, the Chief Electoral Officer shall publish in the Canada Gazette a fraction as determined under subsection (2.5), which fraction shall be in effect

(a) in the case of any fraction published pursuant to this section on or before March 31, 1984, until that date; and

(b) in the case of any other fraction, for the period commencing April 1 of the calendar year in which the fraction is published and ending March 31 of the calendar year next following.

Fraction

(2.5) The fraction determined under this subsection is the fraction of which

(a) the numerator is the average of the Consumer Price Index, as published by Statistics Canada under the authority of the Statistics Act, for the twelve month period ending December 31 of the year immediately preceding the calendar year during which the fraction is to commence to be in effect, calculated on the basis of 1981 being equal to 100; and

(b) the denominator is 88.9, being the Consumer Price Index, as published by Statistics Canada under the authority of the Statistics Act, for 1980, calculated on the basis of 1981 being equal to 100.

Expenses not included in election expenses

(3) In determining, for the purposes of this section, the amount of election expenses incurred by a candidate directly or through his official agent or any other person acting on his behalf, there shall not be included any amount in respect of the candidate's personal expenses."

*Note: The Chief Electoral Office shall, as soon as is reasonably practicable after receipt by him of all returns in respect of election expenses required by section 63 to be transmitted to him in relation to the first general election to which section 61.1 applies, make a report to the Speaker of the House of Commons relating to the election expenses of candidates, and that report shall stand referred to the Standing Committee of the House of Commons on Privileges and Elections for consideration of the appropriateness of the limitation of election expenses of candidates provided in section 61.1 (1977-78, c.3, s.40(3))

Where number of electors is less than the average

(4) For the purposes of subsection (2), where

(a) in a general election the number of names appearing on the preliminary lists of electors for an electoral district is less than the average number of names appearing on the preliminary lists of electors for all electoral districts in that general election, or

(b) in a by-election the number of names appearing on the preliminary lists of electors for an electoral district is less than the average number of names appearing on the preliminary lists of electors for all electoral districts in the immediately preceding general election,

the number of names appearing on the preliminary lists of electors for that electoral district shall be deemed to be equal to the aggregate of

(c) the number of names appearing on the preliminary lists of electors for that electoral district, and

(d) one-half of the difference between the average number of names appearing on the preliminary list of electors for all electoral districts in that general election or the immediately preceding general election, as the case may be, and the number of names appearing on the preliminary lists of electors for that electoral district.

Exception

(5) Subsection (1) does not apply to a candidate for an electoral district where the Governor in Council orders the withdrawal of the writ of election for the electoral district or the writ is deemed to be withdrawn if the preparation of the preliminary lists of electors for the electoral district has not been completed on the day that notice of the withdrawal of the writ or notice that the writ is deemed to have been withdrawn is published in the Canada Gazette. 1973-74, c.51, s.7; 1977-78, c.3, s.40.

Appendix 4

Incurrence of Election Expenses by Others
s.70.1, Canada Elections Act

Election expenses

70.1 (1) Every one, other than

(a) a candidate, official agent or any other person acting on behalf of a candidate with the candidate's actual knowledge and consent, or

(b) a registered agent of a registered party acting within the scope of his authority as such or other person acting on behalf of a registered party with the actual knowledge and consent of an officer thereof,

who, between the date of the issue of the writ for an election and the day immediately following polling day, incurs election expenses is guilty of an offence against this Act.

Idem

"(2) Every registered agent of a registered party and every other person acting on behalf of a registered party who, with the actual knowledge and consent of an officer thereof, between the date of the issue of the writs for a general election and the day immediately following polling day, incurs election expenses for the primary purpose of promoting the election of a particular candidate or person likely to become a candidate, other than the leader of the party, and not primarily for the purpose of promoting or opposing a particular registered party is, unless such expenses are incurred on behalf of the particular candidate, guilty of an offence against this Act.

Corrupt practice

(3) Where a person is found guilty of an offence under this Act by having contravened subsection (1) or (2) and such contravention was made with the knowledge or consent of a candidate, an official agent or the registered agent of a registered party, that candidate, official agent or registered agent is also guilty of a corrupt practice."

Where election expenses deemed to have been incurred

(3) For the purposes of subsections (1) and (2), any person to whom either of those subsections would apply if he incurred election expenses in the period described in those subsections and who

(a) during that period uses time on the facilities of any broadcasting undertaking as defined in section 2 of the Broadcasting Act,

(b) procures or acquiesces in the publication, during that period, of an advertisement in a periodical publication, or

(c) during that period distributes any advertising material or device,

for the purpose of promoting or opposing a particular registered party or the election of a particular candidate shall be deemed to have incurred election expenses in the period described in subsections (1) and (2).

Defence

(4) Notwithstanding anything in this section, it is a defence to any prosecution of a person for an offence against this Act that is an offence by virtue of subsection (1), if that person establishes that he incurred election expenses in the period described in subsection (1)

(a) for the purpose of gaining support for views held by him on an issue of public policy, or for the purpose of advancing the aims of any organization or association, other than a political party or an organization or association of a partisan political character, of which he was a member and on whose behalf the expenses were incurred; and

(b) in good faith and not for any purpose related to the provisions of this Act limiting the amount of election expenses that may be incurred by any other person on account of or in respect of the conduct or management of an election. 1973-74, c.51, s.12; 1977-78, c.3, s.46.

APPENDIX 5

Election Expenses Reported by Parties, 1979 and 1980 General Elections

Source: Tables 9 - 4 and 8 - 5, F.L. Seidle & K. L. Paltiel

1979 Category	Progressive Conservative	Liberal	NDP	Social Credit
Advertising	267,209	576,168	314,613	28,006
Broadcasting				
Radio	939,272	563,029	247,616	7,580
Television	1,539,020	1,295,208	770,851	10,141
Hire of premises	12,644	53,996	21,153	3,116
Salaries & wages	116,897	145,942	413,065	230
Professional Services	231,409	231,146	0	26,367
Travel	632,321	691,019	233,073	25,540
Administration	106,445	356,318	187,262	9,422
Miscellaneous	0	0	2,460	0
Total election expenses	3,845,217	3,912,826	2,190,093	109,402
Expense limits	4,459,249	4,459,249	4,459,249	1,700,701
Media advertising reimbursement	793,967	718,020	496,350	7,769

Note: Total spending by other registered parties as follows: Marxist-Leninist $31,118, Communist $3,999, Libertarian $13,329, Rhinoceros $8,634, Union Populair O.

1980 Category	Progressive Conservative	Liberal	NDP	Social Credit
Advertising	578,256	402,504	425,943	12,409
Broadcasting				
Radio	651,541	578,597	233,105	3,586
Television	1,876,284	1,612,532	1,167,232	1,974
Hire of Premises	27,532	15,514	24,547	2,800
Salaries & wages	57,543	155,254	591,743	0
Professional Services	100,827	373,928	63,722	32,304
Travel	639,448	420,914	387,122	35,566
Administration	470,928	284,377	197,474	4,928
Miscellaneous	4,858	2,603	4,288	3,943
Total election expenses	4,407,207	3,846,223	3,086,176	97,510
Expense limits	4,546,192	4,546,192	4,531,562	1,371,016
Medial advertising reimbursement	977,835	909,923	677,481	1,749

Note: Total spending by other registered parties was as follows: Marxist-Leninist $68,365, Communist $2,872, Libertarian $15,344, Rhinocerous $9,167, Union Populaire $7,434.

Appendix 6

Reimbursements to Candidates, 1979 and 1980 Federal General Elections

Source: Table 9-5, F.L. Seidle & K.Z. Paltiel, "Party Finance, the Election Expenses Act and Campaign Spending in 1979 and 1980" in H.R. Penniman, ed. Canada At the Polls, 1979 and 1980 (Washington, D.C.: A.E.I., 1981) p.273.

	Progressive Conservative	Liberal	NDP	Social Credit	Other Parties	Independents and No Affiliation	Total
1979							
Number of candidates	282	282	282	103	406	69	1,424
Number of candidates eligible for reimbursement	219	273	147	29	0	2	670
Percentage of candidates eligible for reimbursement	78	97	52	28	0	3	47
Total of reimbursements (dollars)	2,867,691	3,594,244	1,670,601	359,273	0	25,972	8,517,781
1980							
Number of candidates	282	282	280	81	461	111	1,497
Number of candidates eligible for reimbursement	215	275	152	8	0	0	650
Percentage of candidates eligible for reimbursement	76	98	54	10	0	0	43
Total of reimbursements (dollars)	2,871,029	3,656,074	1,884,863	111,802	0	0	8,523,768

Appendix 7

Alberta Election Finances and Contributions Disclosure Act, R.S.A. 1980, c.E-3, s.18 - "Fund-raising functions"

Fund-raising functions

18(1) In this section, "fund-raising function" includes any social function held for the purpose of raising funds for the registered party, registered constituency association or registered candidate by whom or on whose behalf the function is held.

(2) The gross income from any fund-raising function shall be recorded by the chief financial officer of the registered party, registered constituency association or registered candidate that held the function or on whose behalf the function was held.

(3) If an individual charge by the sale of tickets or otherwise is made for a fund-raising function held by or on behalf of a registered party, registered constituency association or registered candidate, then, for the purposes of this Act,

> (a) if the individual charge is $10 or less, it shall not be considered as a contribution unless the person who pays the charge specifically requests that it be so considered, in which case ½ shall be allowed for expenses and ½ shall be considered as a contribution to the registered party, registered constituency association or registered candidate, as the case may be,
>
> (b) if the individual charge exceeds $10, but is less than $50, ½ shall be allowed for expenses and ½ shall be considered as a contribution to the registered party, registered constituency association or registered candidate, as the case may be, or
>
> (c) if the individual charge is $50 or more, $25 shall be allowed for expenses and the balance shall be considered as a contribution to the registered party, registered constituency association or registered candidate, as the case may be.

(4) Except as provided in subsection (3), funds raised by a fund-raising function are not contributions for the purposes of this Act.
RSA 1980 cE-3 s18

Appendix 8

Section 49, Bill 48 - Amendments to Manitoba's Election Finances Act

Allowance of third-party expenditures

Issues of public policy.
49 Where at any time a person or organization incurs expenses

(a) for the purpose of gaining support on an issue of public policy, or for the purpose of advancing the aims of an organization other than a registered political party or an organization of a partisan political character; and

(b) without naming or otherwise identifying a particular candidate or registered political party;

the person or organization shall be presumed not to have incurred election expenses for purposes of this Act.

Section 52 - adjustment formula for spending limits

Variation of limitations on expenses.
52 For purposes of any election held subsequent to the proclamation of this Act, the maximum amount to be permitted on a per voter basis for election expenses and advertising expenses under sections 50 and 51 respectively shall be increased or decreased in accordance with the following formula:

Formula

$$M = A \times \frac{I}{103.9}$$

In this formula

M is the maximum amount to be permitted on a per voter basis for election expenses and advertising expenses in the election;

A is the maximum amount permitted on a per voter basis for election expenses and advertising expenses under sections 50 and 51 respectively;

I is the consumer price index for the City of Winnipeg published by Statistics Canada for the second month immediately preceding the month during which the writ or writs of election is or are issued.

Publication of new maximum amounts.
53 Forthwith after the issue of a writ or writs for an election, the Chief Electoral Officer shall calculate, in accordance with the formula set out in section 52, the maximum amounts to be permitted on a per voter basis for the election expenses and advertising expenses of candidates and registered political parties in the election and shall cause the results of the calculation to be published in the Manitoba Gazette.

Appendix 9

Section 56(1), Manitoba Bill 48-
government advertising

Restriction on government advertising.

56(1) No department of the government of Manitoba and no Crown agency shall

(a) during an election period for a general election, publish or advertise in any manner; or

(b) during an election period for a by-election in an electoral division, publish or advertise in any manner in the electoral division;

any information concerning the programs or activities of the department or Crown agency, except

(c) in continuation of earlier publications or advertisements concerning ongoing programs of the department or Crown agency; or

(d) to solicit applications for employment with the department or Crown agency; or

(e) where the publication or advertisement is required by law.

Complaint concerning government advertising.

56(2) Any person who believes that a department or Crown agency has violated subsection (1) may file a complaint with the Chief Electoral Officer, and where the Chief Electoral Officer finds that the complaint is justified, the Chief Electoral Officer shall provide particulars of the violation in the annual report to the Speaker of the Assembly under section 98.

Appendix 10

Subsection 6A(1) of the Nova Scotia Elections Act, S.N.S. 1981, c.21

Mandate, Composition and Prosecutions of the Commission

Report of the Election
Commission of Nova Scotia,
Feb. 16, 1983, pp.1-2.

(1) There shall be a commission to be known as the "Election Commission" which shall

(a) consider reports of investigations by the Chief Electoral Officer or police officers concerning alleged violations of the Elections Act for the purpose of determining whether there should be prosecutions;

(b) advise the Chief Electoral Officer regarding the administrative conduct of elections.

In accordance with the provisions of the Elections Act, the Governor in Council appointed Bruce M. Nickerson, Q.C., M. Buchanan, Q.C., as Leader of the Progressive Conservative Party, appointed Mr. Kenneth M. Matthews, Q.C., and Mr. Donald H. Oliver, Q.C., to be members of the Commission. Mr. A.M. (Sandy) Cameron, the Leader of the Opposition, appointed Mr. C. Peter McLellan and Mr. Arthur W.D. Pickup to be members of the Commission. Mr. D. William MacDonald, the Chief Electoral Officer, is also a member of the Commission by virtue of his office.

Prosecutions

The Commission's first meeting took place soon after the general election held on October 6, 1981. The Attorney General forwarded two police reports respecting investigations arising from that election. Neither of the reports recommended a prosecution and the Commission agreed that none was necessary.

Members of the Commission hold the view that in cases where there is evidence to support allegations of violations of the Act, consent should be given to prosecutions. It is desirable that all participants in the democratic process abide by legal requirements. If the Commission is not firm in this resolve, individuals may be encouraged to bend or break the rules which are designed to ensure fair elections.

Appendix 11

"Adjusted Amounts" for 1983 with
respect to expense limitations in
Saskatchewan's Election Act, R.S.S.
1978, c.E-6 as amended.

The various expense limitations set out in The Election Act, where they are termed "adjusted amounts", are adjusted annually for inflation. The procedure to be followed in making the adjustments is outlined in The Election Act Section 2(4) and (5). The adjusted amounts for the period January 1, 1983 to December 31, 1983 are as follows:

For Section 208 (1)(a)	$408,115.21
For Section 208 (1)(b)(i)	$24,487.54
For Section 208 (1)(b)(ii)	$20,405.45 or $1.63 X number of names on voters list
For Section 214 (1)(a)	$24,487.54 or $1.63 X number of names on voters list
For Section 214 (1)(b)	$32,649.22 or $3.27 X number of names on voters list
For Section 223 (1)(b)(i)	$122,435.19
For Section 224 (2)(a)	$ 407.59
For Section 230 (1)	$122,435.19

PART TWO

THE AMERICAN EXPERIENCE:

A BACKGROUND ESSAY

'Some people like government
so much they want to buy it'

-Harry S. Truman

'In Congress today, we have neither a Democratic nor a Republican Party. Rather we have an incumbency party which operates a monopoly'

-Fred Wertheimer, Vice-
President of Common Cause,
1973.

'When these PACs give money, they expect something in return other than good government'

-Senator Robert Dole, R.-
Kansas in Time Magazine,
October 25, 1982.

'...the factor of money in American government did not reach its present stage until the development of the alliance between Madison Avenue and the professional politicians'

-Ray Forrester, in "The New
Constitutional Right to Buy
Elections" American Bar
Association Journal, vol. 69,
August, 1983.

INTRODUCTION

While the Canadian federal government and many of the provincial governments have readily adopted a basic, comprehensive regulatory scheme in the area of campaign finance, developments in the United States continue to reflect the ongoing struggle to define the relationship between money and politics.

Prior to the 1970s, American campaign finance was devoid of meaningful disclosure legislation. The jolt of public awareness provided by the Watergate scandal plus the general upward spiral of media costs combined to give impetus to several major pieces of legislation. Thus, by the mid-1970s, political life in America ceased to be an unregulated "industry".[1]

Since 1978, however, criticism has grown with respect to the tide of these early reforms. The mainstream of American thought now seems increasingly concerned with the detrimental effects of regulation on candidates, parties and the political process itself. The fear that decade-old legislation was an ill-planned over-reaction to Watergate permeates the retrenching movement in many American jurisdictions as the United States proceeds through the 1980s.

1. Approaches and Theory: The Search for Consensus

Currently, there is no nation-wide system of election financing laws which envelopes all political campaigns. While the reforms of the early 1970s comprehensively regulated presidential elections through the initiation of partial public funding for the nominating process and complete funding for general elections, congressional elections remained privately financed. This lack of a uniform approach mirrors a lack of consensus on what is an "appropriate" level of campaign expenditure.

It has been argued that money itself has qualities which distinguish it from other kinds of political resources. Because reformers accepted the theory that contributions come disproportionately from big givers and special interests, the goal of equal citizen influence seemed to be thwarted. As well, the tandem effect of high spending levels and imbalances in favour of "money power" candidates could be interpreted as diminishing vigorous campaigning - a necessary condition in alerting citizens to their choices in the democratic process.[2] The sweeping reforms of 1971 and 1974,[3] when seen in this light, appeared to broaden the base of participation through the introduction of income tax checkoffs. However spending abuses remained a real area of concern to reformers. Early theorists argued that these abuses could be controlled before they began by way of disclosure provision.[4] Writing in 1973, political observer George Thayer reflected the prevailing view on disclosure by describing it as the "vital core" of campaign finance laws.[5]

Critics of lower spending, who take the opposite approach, maintain that charges of influence-buying are rarely established by theory or evidence and that the cost of all political campaigns in 1980 (some $900 million) are still less than the amount of public money spent on one new Trident-class nuclear submarine.[6]

In 1979, a study of federal campaign finance legislation by Harvard University further enhanced the debate by pointing out that the most closely-fought campaigns are characterized by a high degree of voter information. This was found to increase as the overall price tag for the campaign increased. Therefore, high-spending contests were directly linked to increased voter participation.[7] This finding seemed to contradict the thirteen-year-old contention that high spending levels had an indirect negative effect on the level of voter participation.[8]

Another hotly debated area of American political theory on campaign finance is the advantage accorded to an incumbent.[9] Generally, there has always been a strong link between incumbency, money and electoral success.[10] In 1978 House contests, 95 percent of all incumbents won re-election and 87 percent of these outspent their challengers. Further, in contests without incumbents, winners tended to be the biggest spenders.[11] In Senate and presidential campaigns, however, the new system of campaign finance laws may have had an impact. The number of incumbent senators winning re-election declined from 77 percent in 1970 to 55 percent in 1980.[12] As well, in the 1976 and 1980 presidential elections, both conducted with the aid of public financing, the challenger defeated the incumbent President.[13] Thus, the relationship between theory and evidence on fundamental aspects of campaign finance remains clouded in the American context.

2. A Short History of American Campaign Finance Regulation

2.1 Introduction

Until the 1970s, the federal law regulating campaign spending and the requirement of public disclosure was the Corrupt Practices Act of 1925. While the act set a ceiling on spending in House ($10,000) and Senate ($25,000) campaigns, it was not enforced.[14]

Between 1972 and 1976 Congress introduced a system of partial public funding into presidential primaries, grants to presidential candidates, and complete financing of nomination conventions within the two-party system. An ineffective control system was remedied with the introduction of an independent commission charged with reviewing and monitoring the detailed disclosure reports now required by law. The goals of this wide-sweeping round of legislation represented the reformers' Nirvana. Candidates were expected to devote less time to wooing donor "fat cats". The spending and fund-raising advantages of incumbents were supposed to decline with the reduced importance of money. Total spending levels were to be reduced.

The results did not live up to expectations, however. While the reforms were initially awarded high marks for their emphasis on disclosure, candidates complained that compliance with strict provisions put undue emphasis on the function of the lawyer and accountant within the campaign structure. Money was effectively diverted from "communicating with the voters" to "complying with the law".

While these reforms might well have resulted in the healthy development of broadening the base of small individual donations, the reality was quite different. The reforms allowed the growth of a new, powerful force in American politics - political action committees (PACs). PACs have grown to such an extent that the problems they engender now rival those created by the "fat cats" of previous political eras.

In January, 1976, the United States Supreme Court, in Buckley v. Valeo,[15] revised the sweeping reforms of 1974 before they could be tested in a national election. While the decision upheld the constitutionality of provisions allowing for public financing of presidential campaigns and limits on contributions and spending in such campaigns should a candidate accept public funding, restrictions were placed on these provisions. By equating spending ceilings with hindrances on the American First Amendment right to free speech, an individual was now allowed to spend an unlimited amount in support of a favourite candidate, as long as such expenditures were not co-ordinated with the parallel campaign of the candidate or his organizers.

On another front, the legislative drive to extend public financing schemes to congressional contests stalled in 1977, 1978 and 1979. At the present time, the push for any massive restructuring of national election finance legislation seems to have faded completely. Minor changes appear to be the only changes forthcoming in the immediate future.

2.2 Early History and Legislation: 1867-1971

The first massive input of special interest money in American politics occurred in 1832, when Nicholas Biddle and the Bank of the United States attempted to defeat archenemy Andrew Jackson's bid for re-election by spending heavily in favour of Jackson's opponent, Henry Clay. The strategy failed.[16]

It wasn't until 1867 that the first provision on federal campaign financing appeared. Obscured in a naval appropriations bill, it was declared illegal for a naval officer or government employee to request political contributions from workmen in navy yards. The corrupt practices of the so-called "Guilded Era" (the 1880s and 1890s) and the response of crusading journalists and Progressives brought campaign finance legislation to the fore. The Civil Service Reform Act of 1883 protected federal workers from any obligation to contribute to political funds and made it illegal for federal employees to solicit campaign funds from other federal employees.[17]

With the growth of the Progressive movement under the Roosevelt administration, the spirit of "trust-busting" led to the passage of the Tillman Act in 1907. This act made it a crime for any corporation to make a money contribution in connection with a federal election.[18] Disclosure legislation was brought in with the first federal Corrupt Practices Act of 1910, and later (1911) expanded and strengthened with regard to filing requirements and ceilings.

The federal Corrupt Practices Act of 1925 served as the basic campaign finance law until 1971. While its applicability was restricted to general election campaigns and did not include primaries, it revised the legal spending limits. Unless a state law prescribed a smaller amount, the act set the ceilings at 1) $10,000 for a Senate candidate and $2,500 for a House candidate; or 2) an amount equal to three cents for each vote cast in the preceding election for the office in question but not to exceed $25,000 for the Senate and $5,000 for the House. All existing prohibitions were also incorporated. However the Act was still beset by loopholes which allowed congressional candidates to maintain that campaign committees operated without their "knowledge and consent", or were intra-state committees and therefore not caught by federal law. While court decisions[19] upheld disclosure as desirable, no candidate for the House or Senate was ever prosecuted under the 1925 Act.[20]

In 1943 and 1947, legislation was again expanded to forbid corporate expenditures as well as contributions and to apply equally to labour unions -the Taft-Hartley Labour-Management Relations Act of 1947.[21] This prohibition on labour unions is still retained as section 441(b) of the Federal Election Campaign Act. As well, legislation in the 1940s was successfully extended to the primary system, which had previously been exempted as being ultra vires Congress' constitutional power to regulate the "manner of holding elections".

In the 1960s, the deficiencies in the post-war system of campaign finance were aggravated. Indeed, on May 25, 1967, President Johnson sent a message to Congress proposing reform which labelled the legislation then in place as "obsolete". "More loophole than law", he wrote, the acts invited "evasion and circumvention".[22] Prior attempts at reform- spearheaded by the President's Commission on Campaign Costs, named in 1961 by President Kennedy - all died in draft bill form. Not until 1966, when an individual tax check-off plan was passed to provide government subsidization for presidential campaigns, did Congress act in the area of campaign finance. Because the guidelines requiring disclosure of the funds resultng from the check-off were not adopted, this step was voided by 1967. The increasing concern over spiralling costs prevented this lethargy from continuing, however. Television and the modern media of mass communication had transformed American politics and increased the importance of money. Between 1952 and 1968 spending in presidential elections alone had risen from $11.6 million to $44.2 million. In constant dollars, adjusted for inflation, this represented a 300% increase.[23] Congressional contests in this period reflected the same degree of increase. While the total cost of presidential election year campaigns in this period approximately doubled, broadcasting outlays increased six-fold, representing an ever expanding slice of the total expenditure pie. It was feared that rich challengers could use television "blitzes" to swamp incumbents, and many Democrats frankly saw spending limits as a way of preventing Republican candidates, who seemed to enjoy a funding advantage, from blanketing the airwaves. The perception of television as a manipulative Pandora's box made spending limitations more attractive.

2.3 The Activist Period and the Damper of Buckley v. Valeo: 1971-1976

Given the rise in expenditures, it did not seem illogical that candidates in the 1970s would increasingly turn to those whose businesses and organized economies were directly affected by government decisions which an office-holder could influence. This development was exacerbated by the fact that government had become the chief buyer of goods, the largest employer, the dispenser of many benefits and the overall regulator and manager of the economy. The "credit of access" accorded to these interests by candidates supposedly rose as the role of money rose. With the Watergate abuses, the Congress, state governments and the courts ultimately moved to alter American methods of campaign financing.[24]

(a) The 1971 Reforms

The Federal Election Campaign Act of 1971 envisioned a two-fold approach. One aspect of the act was to set limits on spending by federal candidates on all forms of media communication. The second aspect of the legislation provided for complete reporting and disclosure.[25]

Taking effect April 7, 1972, the media spending limits were set at $50,000 or 10 cents per voter, whichever was greater, for House and Senate races. This ceiling was indexed to increases in the cost of living and to media cost increases. Most importantly, only 60 percent of overall media spending could go toward broadcast media expenditure. Overall limits therefore varied from $50,000 in thinly populated states to about $1.4 million in densely populated states. The method of calculation of the limits also applied to presidential elections.

With regard to disclosure, the Federal Election Campaign Act required that federal candidates and committees file quarterly reports listing spending receipts and contributors of $100 or more by name and address. In an election year, added reports were required fifteen days and five days before an election. Any contribution of $5,000 or more had to be reported within two days of receipt. All reports were to be filed with the House Clerk, Secretary of the Senate or General Accounting Office, depending on whether the office sought was congressional, senatorial or presidential. As well, reports had to be filed with the Secretary of State of each state. Reports would be made public within forty-eight hours of receipt by the Washington offices and within twenty-four hours by the state secretaries. The above requirements effectively closed the old practice of having separate campaign fund groups operating in each state or totally within a candidate's home state.

The ban on direct corporate contributions and union donations raised from dues money was retained, although "voluntary" union contributions raised by a union organization were permitted.

Finally, an income tax check-off bill was passed on December 8, 1971 which allowed taxpayers to designate one dollar of their annual federal income tax payment to a general fund for eligible presidential candidates. Those filing joint returns could designate two dollars. Because the Democrats were deeply in debt following the 1968 campaign, the Republican administration saw the bill as a device to rescue their opponents, and therefore the bill was not to go into effect until after the 1972 presidential campaign.

The 1972 campaign pointed out the inadequacy of the 1971 reforms. Designed to disclose the "big giver", the Act presided over a period of unprecedented scandal and public alienation.

Disclosure legislation could not contain or deter illegal contributions regardless of a suspected quid pro quo. Only a 1973 lawsuit forced the presidential re-election campaign to open its files to the public. This secrecy was partly motivated by the fact that at least thirteen corporations had made illegal corporate donations out of foreign subsidiaries, corporate reserves or expense accounts.[26]

(b) The 1974 Law

In 1974 the most wide-sweeping reform bill in American campaign finance history was enacted to amend the 1971 legislation. It established new ceilings on both contributions and expenditures, extended these to presidential primary and general elections and to House and Senate primary campaigns.[27] The 1974 law also established public financing by providing for optional public funding in presidential general elections and federal matching funds for a maximum of 50 percent of the cost of presidential primary campaigns. The complete details of the reform bill as signed into law on October 15, 1974 are given in Appendix C. These included the prohibition of an individual spending over $1,000 in advocating the election or defeat of "a clearly identified candidate" even if the expenditure was made without consultation with the candidate or his agents. As well, political committees which were not authorized by the candidate could not spend more than $1,000 in supporting a presidential candidate who had elected to receive federal funding.

The 1974 Federal Election Campaign Act amendments also resulted in opening the PAC door by authorizing corporations, labour unions and special interest groups to organize and administer committees which could contribute up to $5,000 to any candidate's campaign.

(c) Buckley v. Valeo

As soon as the 1974 law took effect, it was challenged in a large lawsuit comprising a number of diverse conservative and liberal plaintiffs, reported as Buckley v. Valeo.[28] The basic argument of the plaintiffs was that the limit placed on campaign contributions and expenditures curbed the freedom of donors and candidates to "express themselves in the political marketplace".[29] It was also contended by the liberals joining suit that the public financing provisions discriminated against minor parties and lesser-known candidates in favour of the major parties and better known candidates. Upheld by lower courts, the law was ultimately challenged at the Supreme Court level. On January 30, 1976, the Court handed down its ruling in a 137-page opinion.

In its decision, the Court upheld the reporting requirements as being constitutional. Contribution restrictions were also held to be constitutional, as were the public financing provisions applicable to presidential elections.

However, the Court held that restrictions upon individual independent expenditures in support of a candidate, restrictions on the use of a candidate's personal or family funds and restrictions on a Senate or House candidate's overall expenditures violated the First Amendment guarantee of free expression. The ceilings were upheld for presidential candidates who chose to accept federal matching funds, however.

The Court reasoned that any restriction on spending necessarily restricted the quantity of expression by limiting the number of issues discussed in a campaign, the depth of discussion and the size of the "political market" reached. Given the nature of mass society, the Court equated the communication of ideas with the expenditure of amounts of money.[30]

The Court also held unanimously that the Federal Election Commission was unconstitutional. The Court held that the method of appointment of commissioners violated the Constitution's separation of powers and appointments clauses in that some members exercised executive powers, despite being named to the Commission with the approval of Congress. The argument that the body regulated congressional elections as well as presidential elections, and thus justified some congressionally appointed members, was rejected. The decision left the Commission with only those powers Congress could rightly delegate to a congressional committee - investigation and information gathering. The powers of administration and enforcement which the law accorded could only be rightly conferred if the Commission's members were presidential appointees.[31]

(d) The 1976 Amendments

On May 11, 1976 Congress responded to the decision in Buckley by repealing all the sections struck down by the courts and drafting a new campaign finance law which reconstituted the Federal Election Commission (hereafter, FEC) as a six-member panel appointed by the president. The Commission was given the power to prosecute civil violations and additional jurisdiction over criminal offences.

Another important provision of 1976 arising from Buckley concerned the problem caused by the declaration that limitations on independent political expenditures were a clear violation of First Amendment rights. The new law now required that PACs and individuals making independent expenditures of more than $100 swear that the expenditures were not made in collusion with the candidate.[32]

The 1976 law also set new contribution limits. An individual could give no more than $5,000 a year to a PAC and $20,000 to the national committee of a political party. Prior legislation had set a $1,000 limit on individual contributions to any one candidate, and an aggregate annual limit of $25,000, including gifts to PACs.[33] A PAC could now give no more than $15,000 a year to a party's national committee, and major party senatorial campaign committees could now funnel up to $17,500 a year to a candidate. Generally, most contribution ceilings had been raised over the 1974 limits.

2.4 Public Funding and American Legislative Initiatives

At the federal level, the debate over the desirability of public funding for campaigns has been raging for two decades.[34]

When the idea of public subsidization was introduced in 1974, the effect it would have on candidates, individual givers, parties, taxpayers and the political system in general was impossible to predict. Not the least of the perceived problems was the "aberration" of minor party candidacies. If only major parties and candidates were subsidized, minor parties might have a major constitutional grievance.[35]

Though the Senate passed the 1974 public financing bill on a 52-32 vote, the House bill was much less extensive as to provisions and enforcement, and did not include congressional public financing. Ultimately, a House amendment which would have allowed this was defeated by a 187-228 vote, and the bill passed pertained only to presidential contests.[36]

Following the 1976 presidential election, efforts resumed to extend public financing to House and Senate elections. This goal was a plank in the campaign platform of the victorious Democrats, and the reforms unveiled in March, 1977 came at a time when the Democrats had a large House majority. These reforms, which advocated a matching system of public funding for Congress and a closing of the loophole allowing candidates to escape finance regulations by choosing not to accept public monies did not propose any provisions which had not been introduced in bill form earlier.

Proponents of the extension of public funding to other federal contests argued that the 1976 election had clearly demonstrated the efficacy of the one dollar income tax check-off in cleaning up presidential contests. Further, this development would place even greater risks of influence-buying on Congress, as the special interest now "couldn't buy themselves a president".[37] Proponents argued that public financing was the only effective way to shut down the PACs, which had grown at record levels between 1974 and 1976. Corporate PACs alone increased from 98 to 468 in number in this period.

According to its supporters, public financing disbursed about $72 million in 1976 to presidential candidates, campaigns and party conventions. They argued that this money was responsible for lowering presidential and national party committee spending by some $15 million over 1972. As well, advocates argued that while at present money predominantly went to incumbents, public financing would encourage competition by closing the incumbent-challenger funding gap. Studies by interest and monitoring groups such as Common Cause had shown that the vast majority of House incumbents won re-election under the old system. Donations to House candidates seem to be classified according to an "incumbent-challenger" distinction rather than the party affiliation or sympathy of the donor.

Critics of the reform cited evidence of public apathy found in the low level of participation in the income tax check-off scheme (27 percent in 1976) as an argument against the expected success of public financing in achieving its goals.

As for the "incumbency-challenger" arguments, opponents of public funding maintained that both general spending limits and congressional perquisites such as office space and the franking privilege would combine to further increase the incumbent's advantage. Public funding in this situation, they argued, simply amounted to a "welfare bill" for sitting members.

There was also opposition to the size of the administrative arm required to oversee any public funding system. It was argued that both the FEC and each campaign organization would need a full complement of lawyers and accountants. In 1976, the FEC required two hundred auditors to sift through some twelve million pages of information on matching funds provided by presidential candidates. With the hundreds of candidates traditionally fielded in congressional elections, the staff of the FEC would have to be further expanded, and would risk becoming unworkable.

Public funding was also discovered to have reduced the sparkle of the 1976 campaign with regard to citizen participation. Low contribution ceilings curtailed individual giving and therefore candidates used their public monies on media advertising, rather than local grassroots campaigns.

The history of introducing broad public financing legislation is largely one of setback and defeat. In 1977, these reforms were blocked by both the House and Senate. The Senate bill called for major party candidates to receive 25 percent of their spending ceiling from federal funds and to be eligible for matching funds on all individual contributions of $100 or less up to the expenditure limit. Only contributions received within fourteen months of the election would be "matchable". If a candidate wished to exceed the personal or total spending limit, the FEC and his opponents had to be notified, and the latter would become eligible to spend up to 62.5 percent more than the limit in matching funds.

The Senate bill met the concerns of minor parties to an extent by denying them automatic eligibility to funds, but allowing them to participate in the plan if they raised either $100,000 or 10 percent of the spending limit through individual, small ($100 or less) contributions. This aspect of the bill fell short of the sixty votes required to pass it, however.[38]

The House bill would have provided up to $25,000 in matching funds for major party candidates who agreed to limit spending to a $150,000 ceiling and submit to an audit. Eligibility for public funds depended on an ability to raise $10,000 in contributions of $100 or less, and an elaborate continuing scheme tied further public monies to fundraising "packets" of $5,000 in small contributions.[39] Should a candidate exceed a spending limit, all ceilings would be lifted on public monies, and his opponent would be eligible for $50,000 more in matching funds. The bill was ultimately dropped because too many incumbents seemed unprepared to cope with the increased competition the public subsidies might generate.

In 1978, two more attempts to pass public financing provisions failed. In a Democratic bill designed to place contribution curbs on PAC and party committee money, it was hoped that compromise on this issue would allow the addition of a public financing amendment. H owever, the Republicans viewed the bill as a direct attack on GOP fundraising successes by the entrenched Democrats. The limit on national, congressional and state party committee contributions and the prohibition of transfers between party committees were seen as especially offensive, since Republican fund-raising was three times more efficient than its Democratic counterpart in these areas. Not surprisingly, the PAC limits were not as vociferously opposed by the Republicans, presumably because traditionally Democratic labour PACs would be caught by the same law. As well, even ideologically

"Republican" corporate PACs had been known to support incumbents, regardless of political stripe.

Some reform-oriented organizations such as Common Cause also opposed the bill, although for different reasons. It was correctly feared that the bill was so blatantly partisan as to polarize needed Republican votes on any public financing compromise. Ultimately, by a vote of 198-209, the Republicans and some sympathetic Democrats blocked floor consideration of the bill.

The second attempt to legislate a public financing measure was embedded in an FEC authorization bill. The public financing provision was similar to the one which died in the House in 1977. Proponents felt that a defeat on the floor of the FEC bill could lead to approval of a substitute bill in which a public financing amendment would receive consideration.

The amendment strategy was defeated, further underscoring the feeling that despite the fact that public funding was a "motherhood" issue, concrete statutory action seldom lived up to abstract support.

The last large-scale attempt to secure public financing for congressional contests was introduced as bill HR-1 in 1979. The debate on this bill assumed unparallelled partisan stridency.[40] Republicans carried out a vigorous public campaign against the bill premised on the perception that it was a blatant attempt by the incumbent Democrats to preserve their edge. Conservative groups such as the National Conservative Political Action Committee (NCPAC) undertook letter-writing and media campaigns in opposition to the bill.

Proponents of the bill, including Common Cause and the AFL-

CIO, coalesced into an equally activist lobby group. Ralph Nader's Public Citizen Congress Watch even went so far as to urge members to send their congressman one dollar bills with strings attached. This "string campaign" was aimed at highlighting the alleged quid pro quo nature of privately financed elections.[41]

The Bill was finally defeated in committee by the same forces that had squelched earlier initiatives. While Republican committee members attempted to amend the bill by lowering eligibility thresholds in order to aid challengers, this too met with opposition from Democratic members from safe districts.

2.5 The 1979 Initiatives: A Decade of Reform Ends

Although the crusade for congressional public financing had floundered, 1979 saw an attempt to curb political spending by striking out at the growing PAC phenomenon. A bill was introduced in 1979 which would have prohibited any House candidate from receiving PAC contributions totalling $70,000 in any two-year, full term period. It would also have lowered the individual PAC donation ceiling to any candidate in a primary or general election from $10,000 to 6,000. Opposition once again relied on the same arguements, maintaining that such measures would hamper the ability of challengers to raise money early in the campaign and reduce the beneficial participation of interest groups in the democratic process.

On October 17, 1979, the so-called Obey-Railsback bill (named after the Representatives who co-sponsored it) narrowly passed through the House. The bill was de-railed in the Senate after an opposition filibuster, however.

Despite this failure to control PAC spending, a 1979 amendment to the Federal Election Campaign Act which encouraged political party activity was passed, including permitting campaign contributions from one federal employee to another, if such contributions were voluntary by nature. In addition, the paperwork was eased by reducing the maximum number of reports a federal candidate had to file with the FEC from twenty-four to nine. As well, candidates who controlled or expended less that $5,000 were exempted entirely from reporting provisions. Finally, the required detail was reduced, as itemization was required only for contributions over $200, as opposed to $100.

Another problem the 1979 bill addressed arose out of the federal funding system that went into effect in the 1976 presidential elections. Because of the limited nature of these funds, the two main central party offices directed them into media advertising, rather than local party activity. The 1979 bill therefore allowed state and local party organizations to spend unlimited amounts on local volunteer activities and voter registration drives. Volunteerism was encouraged by raising the limit on how much an activist could spend on food, accomodation and travel on behalf of a candidate from $500 to $1,000 without reporting it to the FEC as a contribution.

2.6 The FEC in FLUX

Created in 1974 in order to monitor and clean up federal campaign financing, the Federal Election Commission has not won unqualified acclaim.

Critics in America argue that the regulatory body is too restrictive and inefficient and is generally subjugated to the structural control of legislators, who hold a veto power over its resolutions. Criticism has especially been levelled at the first two problems. The increased complexity of compliance has shifted overall concern from volunteer contributions to the work of needed professionals in the process.[42]

Before the 1982 congressional elections, there were some in government who called for the outright abolition of the Commission. Given the legal mandate which required the Commission to deal with even the most minor infraction, some irritation among those involved in the electoral process was inevitable. By 1980, arguments were being advanced which cited the procedural aspects of the FEC as violating constitutional due process principles.[43]

On the other hand, the Commission had been lauded for the valuable enforcement mechanism which it provided, as well as its accessible public records section and candidate education programme.

The 1974 reforms envisaged the FEC as an enforcement mechanism with "teeth". The FEC was given the dual responsibility of policing the law and distributing federal funds to presidential campaigns. While Buckley v. Valeo held that the structure of the Commission in 1976 violated the Constitution with regard to the appointment process, new legislation quickly remedied this defect.

Early FEC decisions profoundly affected campaign finance in America. In 1975 for example, the FEC permitted Sun Oil Corporation's political action committee, SunPAC, to be administered by the corporation and let it solicit contributions from employees and shareholders. This ruling served as precedent for the current proliferation of corporate PACs and greatly altered the ratio of corporate to union PACs in favour of the former.

Nominations to the FEC show a history of politicization and controversy in the choice of presidential appointments.[44] American critics have argued that the risks of partiality and indiscretion are too great when "political" commissioners are asked to regulate their former peers. Indeed, an incident occurred in 1976 to support this view in which then-Chairman Vernon Thompson let slip to a former colleague that the FEC was about to subpoenae a senatorial candidate's records. The Justice Department declined to prosecute the Chairman for breach of confidence, however. As well, Robert O. Tierman, a member of the Commission in 1981 and former Democratic House member, had an outstanding 1974 campaign debt of several thousand dollars while he sat on the FEC. The insinuation of a conflict of interest in this type of situation adds, no doubt, to the perception of the FEC by those involved in the political process. Critics continue to call for a membership made up of constitutional lawyers and political scientists, rather than former partisan politicians. These suggestions are rebutted by emphasizing the functional background ex-politicians bring to the FEC and the unlikelihood of Congress confirming the appointment of those outside the political process to regulate them.

Over-regulation has been a major criticism of the FEC. Corporate PAC advisers point to decisions forbidding PACs to sponsor voter registration advertising as an example of the adverse effect on free speech, such strict legalistic regulation has had.

In 1979, the FEC sought to allow news media to sponsor debates. Until this time, such a practice was considered to be an illegal corporate contribution. The allowance by the FEC stipulated certain conditions both on the number of candidates involved and with respect to impartiality, thus drawing fire from broadcasters as encroaching on another regulatory body's jurisdiction and as a violation of First Amendment freedoms. The regulation cleared Congress in 1980, despite these protests.

Generally, American politicians have complained about the picayune and dogged nature of FEC enforcement. In one 1980 case, the Commission took a $135 expenditure by a Long Island tax reform group to task, starting an expensive four-year legal battle than an appellate court judge termed "perverse".

In 1980, candidates enquired as to whether the distribution of pennies and macadamia nuts to voters and fellow members, respectively, constituted an infraction. Neither practice involved a spending or contribution violation, but such was the nature of FEC enforcement that these issues were seriously referred to the Commission in the first place.

Proponents of this close scrutiny argue that only by visible policing can the FEC achieve its goal of spurring voluntary compliance with the law. This is also the reasoning behind the FEC's power to conduct random audits in order to decrease the misuse of campaign money for a candidate's personal non-political expenses.[45] Also, those seeking loopholes are quite prepared to apply favourable decisions on items such as macadamia nuts to items of greater value. Trivial issues can therefore justify serious consideration on the basis of wider significance and application.

It has been alleged that the FEC has shown favouritism in its enforcement actions, especially toward incumbents. Critics have pointed out that the FEC devotes a majority of its enforcement resources to pursuing violations by challengers. In the past, the FEC has filed suit against parties who spend very little and attract little support, such as the Socialist Workers Party or the Communists. In

1979, for example, only eight incumbents were probed and several of these ultimately forced to pay a civil penalty for failing to file reports within the time limit.[46]

Commission lawyers reply to these facts by arguing that challenger and fringe candidates are likely to be less sophisticated than incumbents in complying with the often complex paperwork.

In the area of administration, critics of the FEC argue that audits are too slow to have any electoral impact in the case of illegality or wrongdoing. In the 1980 general election, the FEC completed its audit of the Carter-Reagan campaign within nine months of the election. The Reagan audit was delayed by injunctions concerning the effect any discovered illegality might have on the issue of repayment of federal matching funds. Ultimately, the audit found the campaign guilty of a book-keeping error, rather than any criminal violation.[47]

Critics argue that the structure and personnel of the Commission suffer from inherent flaws. Top law school graduates would not be drawn to the FEC as it specializes in a decidedly non-lucrative area of the law in terms of proceeding from the FEC into private practice. Staff turnover is therefore unusually high - upwards of 20 percent yearly, as of 1982. The FEC also has no single operating chief. Because the Chairmanship rotates annually and decisions are taken by the group, policy-making is inconsistent. A 1979 study by Harvard University's John Fitzgerald Kennedy School of Government recommended that the president be allowed to appoint a Chairman for a four-year term, perhaps from the party not in power in the White House. This official would oversee all day-to-day management and appoint key staff members with the approval of the other commissioners.

Finally, the FEC has been subject to a short rein held by Congress, in anticipation of a runaway Commission. Congress arguably built in a deadlock situation by requiring the six-member body to be comprised of three members from each party, with a four vote majority needed to pass motions. In practice, however, issues rarely break along partisan lines, and members often abstain to avoid deadlocks on partisan issues.[48]

As well, the agency's budget has been decreased by about 20 percent each year since it began operations and Congress has had a history of vetoing FEC rules which make it more difficult for incumbents to campaign. For example, FEC rules curbing the use of congressional office accounts for quasi-political expenses such as newsletters were vetoed outright in 1975.

Despite attacks on the FEC throughout the 1970s, any move in the 1980s to abolish the agency would face a great deal of opposition. The prevailing thought in political and academic circles indicates that the early 1980s has been a period in which the importance to democracy of a free electoral process far outweighs the control and efficiency to be gained from a strong regulatory body. Indeed, proponents of the abolition of the FEC argue that the Justice Department could handle enforcement and the General Accounting Office could monitor Federal Election Campaign Act disclosure provisions.

Perhaps because of the 1980 Reagan campaign audit dispute, there were efforts in 1981 to restrict the FEC's fiscal 1982 authorization to six months rather than the normal 12 month period. Authorization for the following six months was to be made contingent upon quick action to revise election laws. Failure to do so would therefore have abolished the FEC in the middle of the 1982 election year. This move was temporarily halted with stop-gap financing and Congress put off any substantial consideration of revisions to the FEC or campaign finance amendments until 1982-83. While these revisions have not been forthcoming, the FEC itself has been active in implementing a variety of minor rules and regulations in 1983. These changes run the gamut from clarifying the classes of persons for whom non-partisan advertisements by corporations and labour unions may be made to revamping the process by which matching funds are distributed.[49]

3. Constitutional Limitations on American Campaign Finance Legislation

Introduction

The 1976 case of Buckley v. Valeo did not dispute the express or implied power of Congress to legislate in the matter of campaign financing, including the authority to implement public financing schemes. However, the problems relating to violations of constitutionally guaranteed freedom of speech are at the centre of American debate, and perhaps presage inevitable challenges to comparable Canadian legislation under the new Charter of Rights and Freedoms.

One of the first problems with the First Amendment that campaign finance laws faced was in regard to the disclosure provisions and the requirement of donation and membership list filings. It was feared that this violated the right to freedom of association by opening contributors to retaliatory measures for their political views.[50] Writing in 1971, author Ralph K. Winter quickly recognized this constitutional problem, and argued that while there is a public interest in disclosure, it may outweigh other considerations only in the case of very large gifts. Buckley acknowledged this reasoning.[51]

In Buckley, the Supreme Court held that the First Amendment did not bar Congress from imposing contribution limitations on campaigns for federal offices. This sort of limitation was held not to be a direct abridgement of the freedom, amount or subject matter of speech justifiable only in the face of overwhelming and imminent public disaster. Contribution limits were termed as only "marginal restrictions". Further, contributions were removed from direct association with speech by the Court in noting that "the transformation of contributions into political debate involves speech by someone other than the contributor".[52] The lesser First Amendment rights were found to be violable in the face of the need to arrest or prevent the actual or apparent corrupting influence of donations.[53]

The Buckley rationale on this point was applied in the later case of California Medical Association v. Federal Election Commission[54] to suggest that Congress has unquestionable authority to apply contribution limitations to PAC donations to individual candidates and to both limit the total amount any one PAC may give and the total amount any one candidate may receive from all PAC sources.

3.1 Independent Expenditures and the "Parallel Campaign"

The major problem caused by the decision in Buckley concerns the criterion of "independent" expenditures. This loophole was quickly identified by contemporary commentators for its potential danger.[55] Because the decision allows special interest to infuse money into a campaign through mass media spending, as long as it is done parallel to and not in conjunction with the official candidate and his organization, contribution ceilings lose much, if not all, of their impact. There is a possibility that independent expenditures will overwhelm the democratic value of public funding programmes over the next few years if a statutory prohibition is deemed unconstitutional. The perceived danger is that any congressional prohibition or restriction on corporate, labour union or special interest PACs would simply result in a re-direction of the same money, and the same perceived risk of influence-buying, into independent expenditure channels. Rather than the candidate himself purchasing media time and space with donations from PAC coffers, the latter groups would "independently" purchase the same kind of campaign asset. As well, corporations and labour unions could use this rationale to challenge the long-standing ban on direct expenditures as a violation of their First Amendment rights.

The greatest impact of the Buckley decision was the striking down of individual and group independent spending limitations with respect to a clearly identified candidate. Embodied in section 608(e)(1) of the 1974 Federal Election Campaign Act, this provision was tied to the violation of a core First Amendment right. The majority opinion held that in effect, money was speech in that spending directly trenched on the quality and quantity of ideas expressed in a campaign. While there was indeed a risk that contribution limits could be cirumvented and therefore tempt the integrity of government, such an argument failed under the strict scrutiny test applicable to legislation concerning so fundamental a right as political expression. The logic which held sway in the Court concerned the perceived tenuous link between expenditures made without co-ordination with a campaign and the securing of a quid pro quo by the independent spender. Further, the majority reasoned that an un-coordinated expenditure would have decreased value to a candidate's official campaign.

The Buckley decision has been problematic largely because it has come to be regarded as advocating the premise that all groups and persons have an absolute right to make unlimited independent expenditures. The definition of "group" remains unstated, and even in the case of individual donations, the quality of "speech" purchased is not a variable under consideration. There are scenarios, for example, which suggest a wide spectrum of activity under the rubric of "independent expenditure". An individual incurring expenses in going to the media in order to advocate personal support for the candidate of his choice is qualitatively different from the individual incurring the same debt in order to finance re-runs of the candidate's television spot advertisements. In the latter case, critics of the Buckley decision argue, the spender simply supplies money as a quasi-contribution, rather than exercising "speech" as protected by the Constitution.

3.2 Corporate and Labour Union Expenditures

In the 1978 case of First National Bank of Boston v. Bellotti[56] the Supreme Court, in a 5 - 4 decision, extended First Amendment protection to corporate spending in referenda situations. While the lower court opinion[57] held that a business corporation enjoys the constitutional guarantee of freedom of speech only when the speech is to defend or promote the business interests or property of the corporation, the Supreme Court rejected this argument. This instance affirmed the Court's strong support for corporate speech in the public arena.[58] However, the majority opinion went on to deal directly with the "money power" of corporate and labour union speech and its alleged ability to distort the democratic process. Mr. Justice Powell found this thesis to be untenable, as no legislative finding or evidence on the record was offered in support of the proposition.[59] Even if such a danger was proved, the Court viewed it as a danger contemplated by the Framers of the First Amendment and not an adequate justification for controlling expenditures on the dissemination of political communication. Despite cases involving the establishment of a "fairness doctrine" with regard to political broadcasting regulations,[60] the First Amendment generally bars censorship of pure speech in the interests of open and wide-ranging public debate.

The constitutional problem the doctrines of Buckley and Bellotti engender for the 1980s arises in consideration of section 441(b) of the Federal Election Campaign Act, which bans corporate and labour union expenditures in support of a federal candidate. If the two decisions are followed, section 441(b) is also unconstitutional. According to Buckley, all independent expenditures are pure speech, unless a connection is established with the candidate's campaign. According to Bellotti, corporate expenditures are also speech, and the law may not discriminate because of the nature of the "speaker". Therefore a large corporate or union expenditure that is "independent" as defined in Buckley is viewed as no more or less corrupting than an equivalent expenditure by an individual. The logic of both opinions downplays the danger of massive advertising campaigns by corporate and labour union bodies.

Judicial opinion on this issue gives signs of flexibility, however. Indeed, in Bellotti the Court declined to declare outright that section 441(b) was unconstitutional.[61] Separating the issue of a corporation's right to speak on a public issue from the context of election campaigning, the Court suggested that even "independent" expenditures in the corporate sphere may fall within the ambit of a demonstrable danger of corruption and the creation of political debts - the over-riding substance of all relevant legislation.[62]

The case of Federal Election Commission (FEC) v. National Right to Work Committee (NRWC), handed down December 13, 1982, not only upholds the constitutionality of section 441(b), but appears perhaps to shift the Court more strongly in favour of upholding restrictions on corporations and labour unions. The case itself emanates out of the 1974 authorization allowing corporations and unions to set up and administer segregated PAC funds. Section 441(b)(4)(A) forbids the use of corporate monies to solicit contributions from any person other than employees, shareholders and their respective families. NRWC was a corporation opposed to compulsory unionism which solicited donations through its PAC from 267,000 individuals who had previously given money to the NRWC. As NRWC was not soliciting employees or shareholders, it argued that the donors met the express terms of section 441(b)(4)(A) in that they were "members" of a corporation without capital stock, their "membership" being determined by the evidence of their previous contributions.[63]

While FEC v. NRWC could be limited to standing only for the proposition that Congress has the power to restrict corporate solicitation of contributions, the decision does take note of the broadening of section 441(b) to include expenditures. As well, the deference accorded congressional presumptions is a departure from previous judicial insistence on specific legislative findings or evidence on the face of the record.

With regard to PAC expenditures, section 9012(f) of the Internal Revenue Code bans such spending if it is in excess of the public subsidy accepted by presidential candidates. The 1982 case of Common Cause v. Schmidt[64] left a First Amendment challenge to this unresolved, though it noted probable jurisdiction to decide whether such restrictions are constitutional. Any definitive answer here would also bear upon PAC expenditures in congressional contests, and commentators have noted that the 4 - 4 split of the Court in Schmidt without any opinion may be a source of encouragement to those who find it desirable to uphold these legal restrictions.[65]

Section 9012(f) could well be constitutional despite Buckley and Bellotti in that it involves the public funding laws, which are recognized as being related to the constitutional justification of preserving the integrity of the system and reducing the risk of corruption. As well, this section expressly applies to "political committees", which the Court has recognized as involving a developed structure and continuity, rather than an *ad hoc* group which has direct control over how their money is spent. In the former case, donors are not themselves engaging in communication. The committee simply turns monies collected over to mass media advertisers to conduct the "speech" of the candidate himself. There is therefore a strong argument that the regulation of political committees be judged by a lower constitutional standard than that applied to pure speech in cases such as Buckley.

Finally, it can be argued that the end product desired by corporations and labour unions engaged in the area of campaign finance is access to government, regardless of whether access is achieved through direct individual contribution by spokesmen or solicitation and expenditure of an equivalent amount through a related PAC. Indeed, as David Adamany wrote:

> The reality of effective financial constituency in these circumstances is the PAC and its leadership, not the small givers to PAC campaign warchests. The candidate knows the program and objectives of the PAC officers to whom preferred access is given.[66]

While the Court in *Buckley* saw little risk of corruption in independent individual expenditures for direct personal speech, the argument fails in regard to individuals who simply buy advertising services. It fails completely in application to PAC expenditures, which find no difficulty, even in the absence of overt collusion with the official candidate's campaign, in identifying the thrust and style of that campaign. Indeed, PACs often share the services of the official campaign's media consultants, vendors, suppliers and committee members.[67] Given the decision in *FEC v. NRWC*, it could well be argued that extreme judicial deference in findings of fact does not require Congress to make such findings explicit.

Historically, American courts have interpreted First Amendment principles or such a way that any legislation which restricts expression because law-markers fear it will have adverse impact upon the actions of its audience violates the Amendment *ab initio*, unless justified by the necessity to avoid overwhelming public misfortune.[68] A less strict test is applicable to restrictions on speech which do not inherently contain a threat to the public. PAC, corporation and labour union contributions and expenditures arguably belong in this group. However, in rejecting a "fairness" argument, the Court in *Buckley* applied the first, more stringent test to justify the rejection of spending limits. The Court held that:

> ...The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment, which was designed to secure the widest possible dissemination of information from diverse and antagonistic sources and "to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people".[69]

The Court seemed to be silent on the more profound consequences of the infusion of large sums of money into campaigns, unrelated to the conventional concern with the substance of the message or its effect on the conduct of the audience. In the first place, the Court failed to consider the importance of wealth, either that of the candidate or that of his supporters, as an advantage in modern mass politics. Also, the Court overlooked the argument that massive expenditures often create great competition among media technocrats, rather than the more desirable competitive interchange of ideas.

In 1981, two Supreme Court decisions came down which rejected the above concerns. In December, 1981, the Court held eight to one to invalidate a Berkeley, California city ordinance that placed a limit on contributions to ballot-measure committees. In Citizen's Against Rent Control v. City of Berkeley,[70] Chief Justice Berger called the limit "clearly a restraint on the right of association". This decision was quickly seen as allowing potential corporate domination of state and local ballot issues. In a related decision, the Supreme Court ruled in CBS v. Federal Communications Commission[71] that section 312(a)(7) of the Communications Act created an enforceable right of access for candidates, although the Court stopped short of mandating a general right of media access. The Act gave the FCC the power to revoke the license of any broadcaster who willfully and repeatedly refused reasonable access to candidates for federal office. In holding for the candidate, the Court linked the right of the audience to hear the message with the candidate's right to free speech. A First Amendment priority was thus granted over broadcasters, although the decision failed to consider the access rights of special interest groups and PACs.

The Supreme Court has to date failed to depart radically from the Buckley decision. The use of the First Amendment to strike down limitations on expenditures, especially by "independent" groups, stands despite continued academic debate. Critics of this rationale argue that massive infusions of money chiefly buy repetition, which has no bearing on the quality or even the quantity of public debate. While the Supreme Court under Chief Justice Holmes had defined constitutional protection of free speech in terms of the benefits to be derived from the competition of ideas in the open marketplace, critics of the current situation in American campaign finance argue that the truth is not served in this regard by reiteration of the message or even by the size of audience purchased.

Since 1980, the constitutional position of cases involving campaign finance regulation have altered in a number of ways. In the first place, while the Supreme Court continues to desire categorical proof that money corrupts elections, it now sems more probable, given the increased public awareness of the magnitude of the problem, that the old standard established by the Court will change.[72] Recent opinions also suggest that greater judicial notice will be taken of expert testimony and findings in committee in delineating the corrupting effect of some expenditures or contributions-cum-expenditures. Indeed the FEC v. NRWC case may indicate that the burden of proof may no longer rest upon those who wish to uphold limiting legislation.

4. The PACs: A Closer Look

4.1 Introduction

When the ceilings on candidate's total expenditures were removed following the *Buckley* decision, spending predictably skyrocketed:

Table 4 - 1[73]

Year	Total Expenditures
1970	71 million
1974	74 million
1976	99 million
1978	149 million
1980	300 million

This increase reflects the great importance of the preference of PACs. Indeed, PAC contributions to Senate and House candidates have increased at an even faster rate:

Table 4 - 2[74]

Year	No. of PACs	Contributions $
1974	608	12.5 million
1976	1,146	22.5 million
1978	1,653	35.1 million
1980	2,551	55.2 million
1982	3,149	80 million(approx.)

As well, the average total in contributions by an individual PAC has increased substantially between 1978 and today. Corporate and special interest PACs seem to adhere to a fundamental thesis of political science in their donation patterns - that money buys access to government. As a corporate executive involved with the large Dart Industries PAC put it, dialogue with politicians "is a fine thing, but with a little money they hear you better".[75] Many PACs target contributions to reach the chairman and members of the congressional committees which can directly affect their industry or concern.

The relationship suggested was aptly described by Senator Robert Dole of Kansas:

> "When these PACs give money they expect something in return other than good government."76

That "something" is more specifically the votes of legislators on key issues, and is therefore quite often detrimental to the public interest and to the public purse.

The following tables show the breakdown in PAC categories between 1974 and 1981, as well as a reclassification of PAC spending into more particularized categories:

Table 4 - 3

Growth of PACs, 1974-1981

Category	1974	1976	1978	1980	1981
Corporate	89	433	784	1,204	1,327
Labor	201	224	217	297	318
Trade, membership, and health	318	489	451	574	608
Nonconnected			165	378	539
Cooperative			12	42	41
Corporation without stock			24	56	68
Total	608	1,146	1,653	2,551	2,901

Source: Citizen's Research Foundation from various FEC compilations.

Table 4 - 4[77]

PAC Spending by Major Categories

Labor unions	$25,100,000a	
Corporations	34,418,000	
Corporations without stock	1,265,000	
Trade and professional associations	18,300,000b	
Health related	7,950,000	
Rural related	4,464,000	
Ideological[e]	38,613,000c	
Unassigned	1,665,000	
Total		$128,775,000d
Committees reclassified into the national party-related category	$ 1,667,000	
35 excluded committees, such as state and local party, nonfederal candidates, 1978 election, for or against named candidates	$ 708,000	
Total		$ 2,375,000
Grand total		$131,150,000

[a] Labor unions spent an additional $3 million on internal communications.
[b] Associations spent an additional $159,000 on internal communications.
[c] NRA spent an additonal $804,000 on internal communications.
[d] Not including communication costs as listed in notes a-c.
[e] Slightly overstated because transfers between the (mostly conservative) PACs were not factored in. The transfer total is only marginally significant.

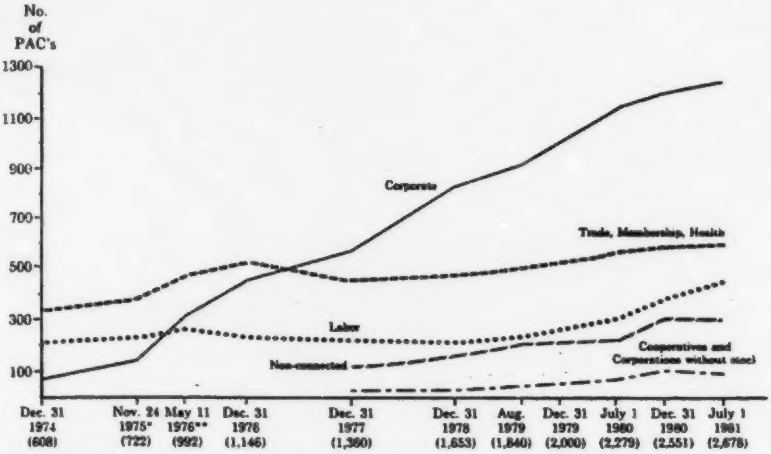
As Table 4-4 shows, not all PACs are corporate, union or special interest PACs. Some are purely ideological, and comprise a great and influential portion of PAC money.[78] The National Conservative Action Committee (NCPAC) are examples of these, and their dollar input in the 1980 general election is represented in Table 4-5, following:

Table 4 - 5[79]

Conservative	$27,275,000
Liberal	2,050,000
Women & family	3,758,000
Guns & gun control	2,777,000
Environmental	747,000
Defense	413,000
Ethnic	220,000
Other single issue	200,000
Miscellaneous	1,173,000
Total	$38,613,000

The flow of general PAC growth and influence is charted below:

Graph 4 - 1



*Date of SunPac opinion by the Federal Election Commission that prompted the subsequent rapid growth in corporate PACs.

**Effective date of the 1976 amendments to the Federal Election Campaign Act.

Note: The Federal Election Commission did not begin counting PACs of non-connected, cooperatives and corporations without stock in separate categories until 1977

Source : FEC, reprinted in Dollar Politics, 3rd ed. (Congressional Quarterly, Inc.; Washington, 1982) p. 45.

A third type of PAC, grew out of the Reagan campaign in 1980. While President Reagan had chosen to accept federal matching funds, and therefore was held to a comparable spending limit, pegged at $29.4 million, prominent Republicans set up independent committees to circumvent spending limits and facilitate additional expenditures of $40-50 million.[80] While violating section 9012 (f)(1) of the Internal Revenue Code by knowingly and wilfully incurring election expenses for a candidate who had chosen to receive federal funds, the committees used the constitutional First Amendment defense to split the Supreme Court 4-4 on appeal (Common Cause v. Schmidt).[81] The problem of presidential PACs will therefore loom large in the 1984 presidential campaign.

4.2 Legislative Background to the PAC Boom

The Federal Election Campaign Act of 1971 laid the foundation for the growth of PACs. It modified previous bans on corporate and union funds by allowing the "establishment, administration, and solicitation of contributions to a separate, segregated fund to be utilized for a political purpose". The 1971 Act did not alter the ban on corporations doing business with the government, however, and many corporations therefore refrained from forming PACs. Labour unions, which had many government employee contracts, advocated a dispensation on this count, and succeeded in achieving this in the 1974 amendments to the Act.

The FEC's 4-2 ruling on Sun Oil's corporate PAC (SunPAC) in 1975 opened the corporate PAC gates. Labour was incensed by the ruling, which allowed corporate PACs to solicit more than merely stockholders, while unions continued to be restricted to the solicitation of "members" only. The 1976 Federal Election Campaign Act amendments succeeded in restricting the FEC's initial ruling. It did this by narrowing the scope of corporate solicitations, allowing unions to use payroll deduction schemes previously restricted to corporate PACs and maintaining that all PACs emanating from one company or from one international union were to be treated as a single committee. However the overall effect of the 1976 amendments merely abetted the formation of corporate and union PACs in general.

After 1976, corporate PACs rose from less than 20 percent of the total number of federally registered PACs to about 50 percent in mid-1981. While statistics show that labour PACs are strong, this is largely due to the efforts of several large unions such as the United Auto Workers, the AFL-CIO and the Steelworkers. The corporate statistics may be misleading however, in that subsidiary corporate PACs now file separately, and their reports must be expressed in the aggregate to better depict the situation.

By 1980, corporations had gained enough experience running PACs at the state and local level to surpass PAC contributions from the large labour unions. The sheer number of corporate PACs indicates that this imbalance will continue through 1984. Although there are a finite number of organized unions, the potential number of "unpoliticized" business corporations is large. Only 1,251 corporate PACs existed at the beginning of 1982, yet there are 29,383 companies with reported assets of over $10 million.[82]

Given the decrease in Democratic fundraising in 1980, and the fact that incumbency motivated many Democratic business PACs, the Republican victories of 1980 and relative maintenance of position in 1982 may foreshadow further stalling on legislative amendments aimed at controlling PACs in 1984.

4.3 PACs in Operation

While corporate PACs are permitted to solicit shareholders, the fact that shareholders represent very diverse constituencies makes them a low priority target group. Management personnel are the main focus of corporate PAC solicitation efforts, and this trend has strengthened in the 1980s. The frequency of solicitation varies, though most corporations solicit annually or bi-annually. Many corporations now use a payroll check-off plan for employee contributions, although this may well breach the confidentiality of the contributor.[83] The special committee of a corporate PAC usually decides which candidates will receive PAC donations, sometimes with the help of the company's political lobbyist.

Among labour unions, solicitation is left to the union's business agent or steward. If a company is using the payroll withholding device to collect contributions from its executives, the union has a legal right to employ this method as well in soliciting its members. The Steelworkers union has adopted this plan by allowing members to give either two cents per work day or five dollars per year to their PAC.[84]

General PAC strategy does not simply revolve around rewarding sympathetic candidates. PACs also target money against candidates. This is especially true with respect to ideological special interest PACs, although the success rate of this strategy came into question in the 1982 congressional elections.[85]

PACs with a regional interest to protect will often support all regional candidates regardless of their certain victory or defeat.[36] Also, given the frequent re-drawing of districts and the variability in the competence of campaign organizations, PACs must often assess the extent of a candidate's vulnerability in deciding how much money to inject into the campaign on his behalf.

The key criterion in distributing PAC money to candidates is loyalty, measured by voting record or policy position. A criticism of this strategy is that PAC money flows toward real or projected congressional power rather than in support of the needs of constituent donors. A 1980 study[37] clearly showed that corporate PACs not only gave money to unseat Democrats in unsafe districts, but also to incumbent Democrats in entrenched constituencies who were not antagonistic to business. As PAC money grows in absolute volume, the 1980s will see more and more corporate PAC decisions to support non-incumbents not necessarily involved in close contests, as long as they have a free enterprise bent. This idea of PAC spending as "risk capital" has combined, in the 1980 and 1982 campaigns, with the strategy of holding money back to be injected into campaigns in their closing stages. This increases the impact of such "parallel campaigns" by targeting money on contests that have, predictably or unpredictably, become close.

A key departure in the comparative behaviour of business and labour PACs is the use of money for internal communications to potential PAC donors. Labour unions spend much more on "educating" members as to the merits of a particular candidate, whereas corporate PACs are still uneasy about using shareholders' money to "educate" on behalf of a candidate.

One final area of problematic PAC behaviour concerns the channelling of PAC money into areas where reporting to the FEC is not required. For example, unions may directly advocate a certain candidacy as long as the cost doesn't exceed $2,000 or the primary purpose is not political - i.e. union newsletters also reporting union business. As well, union political action frequently subverts ostensible voter registration drives by concentrating effort only in areas that have historically been pro-labour.

4.4. Controlling PACs

In 1979 a bi-partisan proposal known as the Obey-Railsback bill was introduced in the House to carry out reforms suggested by an earlier study completed by Harvard University for the House Administration Committee.[88] That study faulted low individual contribution ceilings for the PAC problem, in that candidates were forced to turn to PACs and personal wealth. The 1979 bill proposed lower PAC spending ceilings and total ceilings on the amount of total PAC aid any candidate could receive.

While proponents of the bill argued that PAC money was merely a lobbying lever and would ultimately be responsible for a "political arms race"[89], opponents argued that no amount of PAC spending was too much, since the political process could always do with more money, that the bill might be ineffective at broadening the contributor base simply because candidates would turn to personal wealth as a substitute and finally, that direct PAC contributions would be diverted into independent expenditures where there were no curbs.

While the bill died in the Senate after passing the House, it may well be that this was due as much to the fact that proponents tied the bill in with efforts to extend public financing. The counter-balance of public money has long been advocated as a panacea which would offset the perceived influence of special interest money. However, conservatives in the 1980s continue to view the PAC phenomenon as "old wine in new bottles", which will inevitably continue to thrive regardless of public financing schemes.[90]

In the early 1980s, the House has turned several times toward considering the legislation of curbs on PACs, and the period just before the next cycle of congressional and presidential elections in 1984 promises to bring this issue to the fore again.

5. Party Spending: A Brief Look at the System

The funds political parties spend are known as "section 441(a)(d) money" - after the provision set down in the 1974 Federal Election Campaign Act amendments. Under this law, party organizations can spend a far greater amount on candidates than either individuals or non-party PACs. The law was designed to increase the influence of party organizations and decrease the ability of a wealthy candidate or PAC favourite to personally "buy" an election.[91] While individuals could only give $1,000 and PACs $5,000 to a candidate per election, national party committees could spend much more. In 1980, party committees were permitted to spend $4.6 million on their presidential campaigns, though the money could not be handed over to the candidate's own campaign. This illustrates the use of "co-ordinated" rather than direct party expenditure, as the national party becomes a partner in the allocative decision-making of a candidate's campaign. The ceilings for this type of party aid are much higher than for direct giving by the party, and their existence is both liked and disliked by candidates. While larger district and Senate contest candidates benefit from party purchase advertising, they also sense a loss of control over their campaigns.

For Senate co-ordinated funds in 1980, national party committees could spend two cents per elector in the state, adjusted for inflation, or $29,440, whichever was greater. For direct contributions, national and senatorial committees were allowed to give up to $17,500 during the calendar year in which the election was to be held. In addition to these limits, a federal candidate could also benfit from state party committees, which were subject to the same formula applied to co-ordinated funds. Because most state committees do not have these resources, federal law allows the national party to fund the balance of the state maximum. This allowance of co-ordinated spending has been a boon to the Republicans, who have brimming national party coffers in the 1980s.

For House candidates in a multi-district state, the national party limit in 1980 for co-ordinated expenditures was $14,720. The direct fund limit was $10,000 - $5,000 for the primary election and $5,000 for the ensuing general election.

6. Deregulation as a Federal Curative?

The modern American system of federal campaign financing has been operating for twelve years, and optimistic defenders of the system argue that the intended transformation of the American campaign was so extensive that reformist critics may have fallen prey to this sense of expectation. However apologists for the failure of the Federal Election Campaign Act to cure the ills of the pre-1971 era are few in number. The loopholes which have emerged in the late

1970s and early 1980s, when taken in toto, deal a severe blow to the reform goals of increasing citizen participation, reversing the decline of political party organizations and the prevention of corruption. Indeed, the existence of loopholes merely underscores frustration with legislation that is nominally reformist yet substantively retrogressive. The unexpected growth of PACs has brought with it a host of systemic dysfunctions. For example, congressional candidates now rely more on PAC money than on party money. As well, PACs based in the Capitol have a nationalizing effect on fundraising, rather than returning the process to the grass-roots level.

The likely legislative response as the 1980s progress will probably follow from the 1979 amendments. By deregulating party and individual limits further, the system may once again move toward a balance and away from direct PAC and independent expenditures.

While impetus for the reforms of the 1970s came predominantly from the political left, the initiative in the 1980s has shifted to the conservative forces who now hold sway in Congress. Thus, the old call for congressional public financing and PAC curbs has given way to increasing attacks on regulatory control bodies like the FEC.

By 1981, the 1974 contribution limits had been effectively lowered by half due to inflation. The persistence of outdated regulation only encouraged increasing independent expenditures which were not limited by law. These "parallel campaigns" proliferated in 1980.

Low contribution ceilings have placed inordinate emphasis on personal wealth. Again, de-regulation seems to be the American solution. A 1981 Democratic bill proposed that a candidate be allowed to accept an unlimited amount of money from any source if his opponent spent more than $35,000 out of his own personal funds.

De-regulation may even extend to a lifting of the ban on PAC spending. While the problems of PAC spending are manifest, at this time Republican opposition to any new limiting bill will be decisive. Republicans continue to rely on the argument that limiting PAC spending will have the negative effect of protecting well-known incumbents by denying needed PAC money to challengers who must be quick off the mark. This theory is part of the view that the practical consequences of campaign reform in this area would be to create an "incumbent protection act".[92] In 1983, a Democratic majority prevails in the House, and the Republicans therefore have an interest in furthering the challenger's odds of success.

As well, de-regulation may prevail in revamping the Federal Election Campaign Act provision concerning public funding in presidential contests and spending limits tied to these funding levels. Because state ceilings are low in primary contests, candidates in 1980 were forced to juggle expenditures among states of varying sizes to keep within the limits.

The greatest outcry for de-regulation in the 1980s relates to the movement to retrench or abolish the FEC and its powers. Accused of pettiness and unrestrained exercise of authority, the control agency enters 1984 with a clear mandate to streamline and simplify its practices and functions.

Ultimately, any change in American campaign financing will revolve around such basic propositions as whether the ceiling on individual contributions should be raised, with no other changes, or whether some form of partial public subsidization be implemented along with the type of expenditure ceilings that exist in presidential races. These choices and others may hinge on a redefinition of legislative power in the face of First Amendment rights and a rethinking of judicial doctrine on this issue.[93]

7. Reform in the American States: A Patchwork Quilt into the 1980s

7.1 Introduction

In the wake of federal initiatives in the early 1970s, a great number of American state governments also moved towards a radical reassessment of the efficacy of their own statutes in regulating the fairness of state senatorial and gubernatorial contests. In the 1960s, while thirty-three states had enacted corrupt practices legislation banning corporate and sometimes union political donations, only ten states actually required candidates to file contribution and expenditure reports before and after primaries and general elections.[94] By 1976, at the peak of the reform era, forty-five states had implemented comprehensive disclosure laws.[95] The approach to reform at the state level often took the form of lobbying and campaign finance legislation, passed in tandem with conflict of interest laws. As a result, by the late 1970s, many states had dual operating control bodies - an elections commission (or the Secretary of State) to oversee campaign finance law and an Ethics Commission to oversee the prevention of special interest influence in law-making.

The first state to initiate reform was Washington State, which moved in 1972 after public backlash to a "big money" ballot-measure campaign in 1970.[96] The disclosure provisions legislated were upheld by the Washington State Supreme Court in 1975.[97]

Between 1975 and 1980, forty-two states initiated more wide-sweeping reforms. In three of these states[98], when legislatures had refused to act, voter support on ballot initiatives carried the day.

The 1974 California ballot initiative (Proposition Nine) passed by a 70 percent vote after the legislature had approved a less stringent law.[99] Despite the state tradition of candidate-centred politics and the finding of typical effects with regard to the impact of incumbency, a follow-up California study[100] showed that the expenditure of money did indeed affect state election results. Thus, the disclosure provisions of the California law began to receive approval from all quarters shortly after its enactment. A similar ballot initiative in Missouri was struck down in 1978 on a technicality - it addressed more than one subject and the issues were held not to be severable.[101]

In 1974, twenty-four states enacted laws paralleling the spirit of the 1974 reforms at the federal level. While each state adjusted the specific limits and filing dates to meet "its own needs and political realities", the period between 1974 and 1980 was a period during which the laws were, on balance, weakened or eliminated rather than strengthened.

The constitutional uncertainty of spending and contribution limitations - were they justified by compelling state interest, or was the effect on free speech unacceptable - was addressed by some state courts early in the reform process. In 1974, the Washington State Supreme Court struck down spending limits.[102] In 1975, the Oregon State Supreme Court not only declared spending limits unconstitutional, but also the requirement that campaign treasurers approve all expenditures.[103]

The 1976 U.S. Supreme Court decision in Buckley profoundly affected state laws by declaring federal personal, official campaign and independent spending limits void. States which had only enacted disclosure and expenditure provisions now began to consider contribution limits (held to be constitutionally valid in Buckley) and public financing as a means of reviving campaign finance reform. The former method was used as an indirect way of controlling spending and the latter would satisfy a U.S. Supreme Court rationale that expenditure limits are constitutional when linked to public funding schemes.

7.2 The Current Status of Reporting Provisions

By 1983, all states had some form of reporting provision and all but three required some type of pre-election reporting.[104] One state - Virginia - and the District of Columbia require pre-election reporting only. Unlike the federal level, which has a co-ordinated and uniform reporting system administered by a central agency, the very nature of the state system precludes uniformity. Even if states share common reporting periods, basic terms like "contribution" or "expenditure" vary widely in definition from state to state.

Given this caveat, forty-three states require reporting in a period contiguous with or during the campaign - usually once or twice before the election and once after the election or primary. Most state laws legislate continous reporting until all campaign funds and debts have been disposed of. There are multiple pre-contest reporting dates in sixteen states.[105] In the state of Georgia this holds true only for state primaries. The state of Iowa has instituted a quarterly reporting system, with annual reports due in January in order to monitor late contributions and bills. The state of Louisiana does not require any post-contest reports for primary races. Current laws in the State of Maine require stricter multiple reporting dates for gubernatorial contests only. States which have introduced PAC contribution legislation in the last five years[106] also require them to file reports ranging in frequency from once following the campaign, to periods parallelling candidate filing, to strict quarterly reports.

Because disclosure is viewed as the least restrictive means of curbing campaign evils, these laws have proliferated and continue to be in force today. In terms of the detail required, only North Dakota does not seem to require more than a simple statement of the candidate's personal financial information. Most states also require the names and addresses of contributors and the names and addresses of persons receiving expenditures. Details on the purpose of expenditures must also be reported. The amount which triggers reporting requirements continues to vary from state to state. Twenty-two states[107] require reporting of all spending. The lowest threshold is in Iowa, and is set at five dollars or over for statewide contests. Three states which required that all spending be reported in 1978 have now imposed higher thresholds.[108] Those states which require all contribution amounts to be disclosed include Maryland, New Jersey, New Mexico and West Virginia. On average, most contribution thresholds remain at or under $100. The highest contribution threshold is $500 (Mississippi, Nevada). The highest spending threshold is $250 (Mississippi, Alaska). Most states have higher thresholds for campaigns for state-wide offices.

Twenty states also require annual reports from candidates and committees. Statements are filed with the Secretary of State, the State Board of Elections or the commission responsible for overseeing campaign finance.

Problem areas in disclosure that have arisen in the states include the problem of threatened freedom of association for those supporting minority parties and viewpoints. Because the U.S. Supreme Court in Buckley allowed for case-by-case exemptions in this regard, several states have granted special, less stringent disclosure requirements to some minor party candidates.[109] These dispensations may include disclosure of only the larger contributors or the acceptance of gross receipts rather than itemized receipts.

State-wide campaigns have felt the organizational burden compliance with disclosure laws entails. State officials have also complained that pre-election filing has led to inaccurate and incomplete reports, as candidates struggle to receive contributions after the last pre-election reporting date. Furthermore, public access to detailed and numerous reports, which all states allow, has often led to sensationalized reporting of the startling aspects of a filing, rather than to patterns of contribution which could be tied into substantive issues in order to better inform the electorate.

7.3 Contribution Limitations in the 1980s

Upheld as constitutional in Buckley, most states in 1983 have some manner of contribution limitations. Common provisions include 1) the prohibition of cash and anonymous donations and giving in the name of another; 2) disclosure of the original source of a contribution; and 3) the onus of reporting all contributions received after the last pre-election filing date within twenty-four or forty-eight hours of receipt. These requirements concern the manner of contribution. Nine states[110] do not have any of the above provisions in their campaign finance laws.

General controls on the source of contributions include the prohibition of corporate and union direct contributions. In 1978, twenty-one states prohibited corporate contributions. By 1983, the number had declined to nineteen.[111] This includes those states which also now regulate corporate PACs. Several states, such as New Mexico, prohibit corporate contributions from specified corporations, such as insurance companies or public utilities.

The number of states that generally prohibit union donations has dropped to seven since 1978.[112] Missouri no longer prohibits such donations, and West Virginia prohibits donations only from unions involved as government contractors. Several states prohibit or limit corporate contributions but not union contributions.[113]

Individual contribution limits have been imposed in twenty-four states and the District of Columbia.[114] Limits vary in size from $800 per candidate per gubernatorial primary or general election in New Jersey to a $25,000 annual aggregate in Wyoming and Maine and a $150,000 annual total in New York.

The last three years have seen an increase in state legislation dealing with political committee ceilings. The coming battle in the next several years will be the limitation of independent expenditures at the state level, and the concomitant constitutional hurdles that lie in the way.

7.4 Public Funding of State Elections

Those advocating the adoption of public financing systems for state elections in the 1970s claimed that it was the only way to provide challengers with the opportunity to conduct an effective campaign against an incumbent's special interest group support. Public funding has at once been seen as guaranteeing a forum to build further fundraising capacity, a constitutional justification for spending limits as an assurance of fair access to the voters, and a counter-weight to the personal wealth of candidates.

By 1979, although only one federal election had been fought with the aid of public subsidies, public money had been used in more than twenty-three different state-level election campaigns.[115] The amount of money raised by public subsidy programs varied from state to state, as did the mode of collecting funds, the percentage of taxpayers participating in the program and the chosen method of allocation of funds.

In terms of the overt role of party politics in the collection of public campaign funds, five states[116] specify the parties themselves as the direct recipients of public funds. In eight states, public funds are collected only in a general fund.[117] This has caused some problems in some states with regard to allocation. In Maryland, for example, an administrator remarked that the public financing legislation was "still on the books, but not effective. The legislation is unworkable and the money hasn't been given out for years....every year the legislature fights over what is to be done with it..."[118] Four states, as of 1981, allowed contributors a choice of party or general fund designation.[119]

With regard to the distribution of public money, eight states allocate it to the party, for distribution to candidates, and eight states allocate it to the candidate directly. In terms of scope, states such as Massachusetts, Michigan and New Jersey fund both primary and general elections. In Wisconsin and Minnesota all state campaigns receive funds, while in Michigan and New Jersey only gubernatorial campaigns receive public monies. In total, ten states[120] have provisions to publicly fund gubernatorial contests.

In the 1978 contests for state governor it was found[121] that most incumbents seeking re-election won, and sixty-six percent of these outspent challengers. However, the biggest spenders appeared in states unregulated by a public financing scheme. In one race where candidates were eligible for public funds (Minnesota), the winning candidate eschewed some $200,000 in state money in order to be able to outspend his opponent, who in accepting state money was limited to a $600,000 spending ceiling.[122]

One aspect of the public funding process centres largely on various tax incentives to promote participation in the electoral process. Four states[123] employ an add-on tax or surcharge system. This requires taxpayers to voluntarily add an extra one or two dollars to their tax liability to accumulate public funds for candidates or parties. This method is the least successful in terms of producing large funds. Given public resistance to increasing taxes, few avail themselves of the surcharge.

Another method of funding used is the income tax check-off, which allows the taxpayer to divert one or two dollars of his total assessed tax payable to pay campaign costs. Twelve states[124] and the federal government use this system. About 20-25 percent of all returns filed by taxpayers in these twelve states make use of the check-off. Both the surcharge and the check-off have been lauded for their fairness in that they are not dependent on taxpayer income. Under these methods, the government simply gives over the funds directly to the parties. The funds generated by these means of collection have not been sufficient to affect the conduct of parties significantly, however.

Thirteen states[125] offer pre-tax deductions, either alone or in conjunction with the above-mentioned tax provisions. The amount is usually $100, though some states have $25 or $50 deduction limits. Tax credits, are used in four states[126], and the District of Columbia. There are a total of twenty-nine states which, as of 1983, have no individual tax provisions to stimulate contributions or fund public financing schemes.

7.5 Spending Limitations

Spending limitations which stand alone were effectively struck down by the U.S. Supreme Court in *Buckley v. Valeo*. While some states still have them on the statute books, they are now operative only in states which have public financing schemes. Hawaii, which has enacted several tax provisions, allows a $1.25 per voter ceiling on spending in gubernatorial general elections. Michigan has a $1 million total ceiling on gubernatorial contests, and Minnesota limits spending in the same race to $600,000. New Jersey imposes a 70 cents per elector limit to a maximum of $2.1 million. In Wisconsin, the ceiling is $515,875 for general elections and $221, 075 for primaries. Four states[127] have public funding provisions, but decline to impose spending limits. Finally, two states have sought to avoid the *Buckley* decision by imposing segmental limits. North Carolina and Utah have set a ceiling on media expenditures in order to curb unfairness in the single most important spending area. North Carolina has a flat limit of 10 cent per elector, and Utah limits gubernatorial candidates to $100,000 and other offices to varying amounts. These limits may still offend the First Amendment.

7.6 Enforcement

A key development in the 1970s was the shift of enforcement authority away from partisan officials subject themselves to the law to independent or quasi-independent agencies. In most cases, legislatures chose to create an appointed bi-partisan Board or Commission. In 1983, eighteen states[128] have these independent Boards or Commissions. Most perform administrative functions, enforcement functions, give advisory opinions and make investigations. All other states with campaign finance laws have instituted control bodies which are a part of a larger agency - usually the Secretary of State. In all cases, these bodies serve as filing depositories and points of access for making documentation public. Nineteen states have an Ethics Commission to share in the enforcement and investigation of corrupt practices, including those which are campaign-related.

Penalties for wilful contravention of the law vary from state to state. Fines range from a $200 maximum for a first offence (New Mexico) to $10,000 or three times the illegal amount, whichever is greater, for illegal contributions in California contests. Massachusetts also has a $50,000 fine for corporate violators. Prison terms now range from thirty days in Kentucky to possible five year felony convictions in Georgia. In most cases, violation is classified as a misdemeanor. In 1983, six states[129] also provide for felony violations, where all elements of a criminal offence must be proved. The least serious sanctions include witholding of candidacy certification or disqualification from holding office for varying periods of time. Many states have a statute of limitations pertaining to campaign finance offences, ranging from one year to five years.

7.7 Some Future Changes

The following jurisdictions anticipate changes to their campaign finance laws after July, 1983. Minor or "house-keeping" bills are not considered.

Connecticut

Three bills were passed in 1983. Public Act No. 83-410 makes it illegal for a commissioner or a deputy commissioner of a public body to act as a lawyer for a campaign committee. Public Act No. 83-560 allows a campaign treasurer to reimburse workers for out-of-pocket expenses and to reimburse a candidate for personal expenses. The Bill also permits joint fund-raising among candidates and lengthens the period of retention on file by the Secretary of State for all public disclosure records to five years. Public Act No. 83-336 limits corporate and interest group PACs to contributions of $1,000 with respect to municipal candidates seeking "at large" offices and $250 for all others. This latter move is part of a wider attempt to maintain a clear division between national and state political committees, and it took effect July 1, 1983. It does not apply to ideological PACs.

Illinois

Several amendments were introduced in the 83rd General Assembly on April 15, 1983. These amendments went before the Governor for signature or veto in the summer of 1983. Important provisions include 1) an increase in the threshold reporting amount for political committee contributions from $1,000 to $2,000; 2) an increase in the threshold of required itemization of contributions and expenditures from $150 to $300; 3) the implementation of state matching funds for qualifying gubernatorial candidates, using a tax check-off system. Given the Governor's support for full disclosure provisions, the former two amendments stand little chance of being signed into law at the time of writing.

Iowa

The Iowa General Assembly enacted Senate File 457 in May, 1983, and the Governor has signed it. It amends Chapter 56 of the Iowa Code, and takes effect January 1, 1984. Salient provisions include a decrease in the threshold for contribution itemization for state-wide candidates to $25, an allowance of only one candidate's committee per office sought and a requirement that the candidate or his campaign officials report the purpose of expenditures. The bill also reflects the legislature's desire for more comprehensive reporting in that it imposes stricter requirements for disclosure of contributions in kind.

Michigan

Michigan passed amendments to its campaign finance statutes in May, 1982. Several proposals have arisen and died since this enactment. House Bill No. 4265 (introduced March 16, 1983) sought, among other things, to raise the qualification criteria for state matching funds by raising the amount the candidate committee must receive in contributions from five percent to fifteen percent of the candidate's designated spending limit.

House Bill No. 4273 (introduced March 17, 1983) sought to legislate the return of public monies by any candidate who, in fact, did not contest for the office of Governor in primary or general elections.

House Bill No. 4382 (introduced April 14, 1983) sought to end officeholders' expense fund maintained by surplus contributins, and House Bill No. 4381 brought such funds within the normal campaign contribution limits and reporting procedures.

Finally, stricter reporting procedures were advocated for PACs and independent committees.

Minnesota

Prior to adjournment on May 23, 1983, the Minnesota Legislature referred an amendment to Minn Stat. Ch.10A to a conference committee. The bill represented an attempt to institute state public financing for candidates contesting federal congressional and senate seats from the state of Minnesota. While the Legislature does not reconvene until the spring of 1984, the bill represents an important development in public campaign finance thinking.

Montana

In an important step toward the regulation of PAC contributions to candidates for the state legislature, the Montana legislature passed HB 356 by an overwhelming margin in the summer of 1983. The bill stipulated that a senate candidate may receive no more than $1,000 and a House candidate no more than $600 from all PACs combined. In-kind and party committee contributions are excepted from this ceiling. The ceilings themselves are indexed to inflation. Montana is currently the only state which has successfully legislated this type of PAC regulation.

Nevada

Senate Bill 35 and Senate Bill 91 passed the legislature and took effect on July 1, 1983. S.B. 35 was noteworthy in that it applied reporting provisions requiring the name and address of contributors giving in excess of $500 to contributors giving in excess of $500 in the aggregate over the course of the reporting period.

S.B. 91 expressly requires disclosure of expenditures made by persons who are not candidates. "Independent" expenditures made to various media organs, within or outside the state, must be recorded by the media and made available for inspection. This type of bill therefore represents a response to the recent challenges independent money has made to the traditional campaign finance equation and the new need to provide voters with an accurate picture of a candidate's financial bases of support.

New Jersey

The State of New Jersey proposed major amendments to its Campaign Reporting Act on June, 1983. These amendments were introduced in response to a detailed November, 1982 report of the New Jersey Election Law Enforcement Commission, which recommended twenty-three changes to the state's disclosure system. Assembly Bill 2290 represents an attempt to enact these recommendations, many of which were aimed at the simplification of filing procedures and the raising of various filing thresholds, both for disclosure in general and itemization and identification of contributions. Assembly Bill 3099 was introduced shortly after Bill 2290, and advocated the maintenance of disclosure thresholds and the requirement that all contributions in excess of $100 received after the last pre-election filing deadline be disclosed within twenty-four hours of receipt.

As well, Bill 3580 was introduced in the New Jersey Assembly on May 26, 1983. This bill imposed an $800 limit on contributions to legislative candidates. State and county PACs would be allowed an $8,000 contribution ceiling. At the time of writing, these bills were to have been enacted in the summer of 1983, to take effect in November, 1983.

Texas

Four bills related to the state's Campaign Finance Law were signed in 1983. HB 2154 revised Chapter 14 of the Election Code to prohibit personal use of contributions and was made effective September 1, 1983. SB 510 required annual campaign finance reports by the Secretary of State. SB 512 allowed candidates and PACs to designate an assistant campaign treasurer. Finally, SB 42 required PACs to register with the Secretary of State thirty days before an election and required Senate candidates to report contributions of $1,000 or more and House candidates to report contributions of $200 or more with forty-eight hours if received in the last nine days before an election. These last three bills were effective August 29, 1983 and became incorporated into HB 2154.

Washington

Washington State law now requires a special report for contributions over $500 made after the last pre-election filing date. The novel aspect of this law is that it applies to contributions made from candidates or PACs to other candidates or PACs. The reporting deadline was fixed as within twenty-four hours of the date the contribution was made.

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Part Two

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21. Thayer, fn 5 *supra*, p.73.

22. fn 1 *supra*, p.6.

23. statistics from Cox, fn 16 *supra*, p.2.

24. F.G. Houdek & C.V. Ford, "Federal Election Campaign Act and its Amendments: A Selected Legal Bibliography with Annotations" *Law Library Journal*, vol. 72 (Spring, 1979), pp.194-208.

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48. *Id.*, p.38.

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__________, vol. 48, no. 42, March 2, 1983.
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104. The exceptions are Alabama, South Carolina and Wyoming.

105. Alaska, Arkansas, California, Kentucky, Maryland, Mississippi, Nebraska, New Hampshire, New Jersey, New York, Oregon, Pennsylvania, Texas, Vermont, Virginia and Washington.

106. All except Hawaii, Nevada, New Mexico.

107. Oregon, Pennsylvania, South Carolina, South Dakota, Utah, Vermont, West Virginia, Kentucky, Maryland, Montana, Nevada, New Mexico, Oklahoma, Maine, Wyoming, New Jersey, New Hampshire, Alaska, Arizona, Connecticut, Florida, Hawaii.

108. North Carolina, Ohio, Georgia.

109. e.g. Minnesota, California, Washington, Wisconsin.

110. Alabama, Arizona, Maine, Mississippi, Nevada, New Mexico, South Carolina, Utah and Wyoming.

111. Arizona, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Texas, West Virginia, Wyoming, Wisconsin.

112. Arizona, New Hampshire, North Carolina, Pennsylvania, South Dakota, Texas and Wyoming.

113. Alaska, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Montana, Ohio, Oklahoma and Wisconsin.

114. Alaska, Arkansas, Connecticut, Delaware, Florida, Hawaii, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Jersey, New York, North Carolina, Oklahoma, South Dakota, Vermont, West Virginia, Wisconsin, Wyoming.

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119. Idaho, North Carolina, Rhode Island, Minnesota.

120. Hawaii, Massachusetts, Michigan, Minnesota, Montana, New Jersey, North Carolina, Oklahoma, Oregon, Wisconsin.

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122. H.E. Alexander, "Financing Gubernatorial Election Campaigns" State Government vol. 53 (Summer, 1980), p.140.

123. Massachusetts, Maryland, Montana and Maine.

124. Hawaii, Idaho, Iowa, Kentucky, Michigan, Minnesota, New Jersey, North Carolina, Oklahoma, Rhode Island, Utah and Wisconsin.

125. Arizona, Arkansas, California, Hawaii, Iowa, Kentucky, Maine, Maryland, Michigan, Montana, North Carolina, Oklahoma and Utah.

126. Alaska, Idaho, Minnesota and Oregon.

127. Massachusetts, Montana, Oklahoma and Oregon.

128. Alaska, Georgia, Hawaii, Iowa, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Montana, New Jersey, New York, North Carolina, Oklahoma, Rhode Island, South Carolina, Wisconsin.

129. Georgia, Indiana, Maine, New Hampshire, New York and Texas.

APPENDICES TO PART TWO

Appendix A

"The 1971 Reforms"

(Source: Dollar Politics, 3rd ed. (Washington: Congressional Quarterly, Inc. 1982) pp. 133-135.)

The Federal Election Campaign Act of 1971 (FECA) was the first comprehensive revision of federal campaign legislation since the Corrupt Practices Act of 1925. The act established detailed spending limits and disclosure procedures. P.L. 92-225 contained the following major provisions, some of which have been declared unconstitutional and others superseded by later amendments or repealed:

General

-Repealed the Federal Corrupt Practices Act of 1925.

-Defined "election" to mean any general, special primary or runoff election, nominating convention or caucus, delegate-selection primary, presidential preference primary or constitutional convention.

-Broadened the definitions of "contribution" and "expenditure" as they pertain to political campaigns, but exempted a loan of money by a national or state bank made in accordance with applicable banking laws.

-Prohibited promises of employment or other political rewards or benefits by any candidate in exchange for political support, and prohibited contracts between candidates and any federal department or agency.

-Provided that the terms "contribution" and "expenditure" did not include communications, non-partisan registration and get-out-the-vote campaigns by a corporation aimed at its stockholders or by a labor organization aimed at its members.

-Provided that the terms "contribution" and "expenditure" did not include the establishment, administration and solicitation of voluntary contributions to a separate segregated fund to be utilized for political purposes by a corporation or labor organization.

Contribution Limits

-Placed a ceiling on contributions by any candidate or his immediate family to his own campaign of $50,000 for president or vice president, $35,000 for senator and $25,000 for representative.

Spending Limits

-Limited the total amount that could be spent by federal candidates for advertising time in communications media to 10 cents per eligible voter or $50,000, whichever was greater. The limitation would apply to all candidates for president and vice president, senator and representative, and would be determined annually for the geographical area of each election by the Bureau of the Census.

-Included in the term "communications media" radio and television broadcasting stations, newspapers, magazines, billboards and automatic telephone equipment. Of the total spending limit, up to 60 percent could be used for broadcast advertising time.

-Specified that candidates for presidential nomination, during the period prior to the nominating convention, could spend no more in primary or non-primary states than the amount allowed under the 10-cent-per-voter communications spending limitation.

-Provided that broadcast and non-broadcast spending limitations be increased in proportion to annual increases in the Consumer Price Index over the base year 1970.

Disclosure and Enforcement

-Required all political committees that anticipated receipts in excess of $1,000 during the calendar year to file a statement of organization with the appropriate federal supervisory officer, and to include such information as the names of all principal officers, the scope of the committee, the names of all candidates the committee supported and other information as required by law.

-Stipulated that the appropriate federal supervisory officer to oversee election campaign practices, reporting and disclosure was the clerk of the House for House candidates, the secretary of the Senate for Senate candidates and the Comptroller General for presidential candidates.

-Required each political committee to report any individual expenditure of more than $100 and any expenditures of more than $100 in the aggregate during the calendar year.

-Required disclosure of all contributions to any committee or candidate in excess of $100, including a detailed report with the name and address of the contributor and the date the contribution was made.

-Required the supervisory officers to prepare an annual report for each committee registered with the commission and make such reports available for sale to the public.

-Required candidates and committees to file reports of contributions and expenditures on the 10th day of March, June and September every year, on the 15th and fifth days preceding the date on which an election was held and on the 31st day of January. Any contribution of $5,000 or more was to be reported within 48 hours after its receipt.

-Required reporting of the names, addresses and occupations of any lender and endorser of any loan in excess of $100 as well as the date and amount of such loan.

-Required any person who made any contribution in excess of $100, other than through a political committee or candidate, to report such contribution to the commission.

-Prohibited any contribution to a candidate or committee by one person in the name of another person.

-Authorized the office of the Comptroller General to serve as a national clearinghouse for information on the administration of election practices.

-Required that copies of reports filed by a candidate with the appropriate supervisory officer also be filed with the secretary of state for the state in which the election was held.

Miscellaneous

-Prohibited radio and television stations from charging political candidates more than the lowest unit cost for the same advertising time available to commercial advertisers. Lowest unit rate charges would apply only during the 45 days preceding a primary election and the 60 days preceding a general election.

-Required non-broadcast media to charge candidates no more than the comparable amounts charged to commercial advertisers for the same class and amount of advertising space. The requirement would apply only during the 45 days preceding the date of a primary election and 60 days before the date of a general election.

-Provided that amounts spent by an agent of a candidate on behalf of his candidacy would be charged against the overall expenditure allocation. Fees paid to the agent for services performed also would be charged against the overall limitation.

-Stipulated that no broadcast station could make any charge for political advertising time on a station unless written consent to contract for such time had been given by the candidate, and unless the candidate certified that such charge would not exceed his spending limit.

The Revenue Act of 1971, through tax incentives and a tax checkoff plan, provided the basis for public funding of presidential election campaigns. P.L. 92-178 contained the following major provisions, some of which have been declared unconstitutional and others superceded by later amendments or repealed:

Tax Incentives and Checkoff

-Allowed a tax credit of \$12.50 (\$25 for a married couple) or a deduction against income of \$50 (\$100 for a married couple) for political contributions to candidates for local, state or federal office. (NOTE: The Revenue Act of 1978, P.L. 96-600, raised the tax credit to \$50 on a single tax return, \$100 on a joint return. As in the 1971 Act, the credit equaled 50 percent of the contribution up to those limits. The 1978 law eliminated the tax deduction for political contributions while increasing the tax credit.)

-Allowed taxpayers to contribute to a general fund for all eligible presidential and vice presidential candidates by authorizing \$1 of their annual income tax payment to be placed in such a fund.

Presidential Election Campaign Fund

-Authorized to be distributed to the candidates of each major party (one which obtained 25 percent of votes cast in the previous presidential election) an amount equal to 15 cents multiplied by the number of U.S. residents age 18 or over.

-Established a formula for allocating public campaign funds to candidates of minor parties whose candidates received 5 percent or more but less than 25 percent of the previous presidential election vote.

-Authorized payments after the election to reimburse the campaign expenses of a new party whose candidate received enough votes to be eligible or to a minor party whose candidate increased its vote to the qualifying level.

-Prohibited major-party candidates who chose public financing of their campaign from accepting private campaign contributions unless their share of funds contributed through the income tax checkoff procedure fell short of the amounts to which they were entitled.

-Prohibited major-party candidates who chose public financing and all campaign committees authorized by candidates from spending more than the amount to which the candidates were entitled under the contributions formula.

-Provided that if the amounts in the fund were insufficient to make the payments to which each party was entitled, payments would be allocated according to the ratio of contributions in their accounts. No party would receive from the general fund more than the smallest amount needed by a major party to reach the maximum amount of contributions to which it was entitled.

-Provided that surpluses remaining in the fund after a campaign be returned to the Treasury after all parties had been paid the amounts to which they were entitled.

Enforcement

-Provided penalties of $5,000 or one year in prison, or both, for candidates or campaign committees that spent more on a campaign than the amounts they received from the campaign fund or who accepted private contributions when sufficient public funds were available.

-Provided penalties of $10,000 or five years in prison, or both, for candidates or campaign committees who used public campaign funds for unauthorized expenses, gave or accepted kickbacks or illegal payments involving public campaign funds, or who knowingly furnished false information to the Comptroller General.

Appendix B

1974 FECA Amendments - Highlights

(Source: Dollar Politics, 3rd ed. (Washington, D.C.; Congressional Quarterly, Inc., 1982) pp. 135-36.)

Federal Election Commission

-Created a six-member, full-time bipartisan Federal Election Commission (FEC) to be responsible for administering election laws and the public financing program.

-Provided that the president, speaker of the House and president pro tem of the Senate would appoint to the commission two members, each of different parties, all subject to confirmation by Congress. Commission members could not be officials or employees of any branch of government.

-Made the secretary of the Senate and clerk of the House ex officio, non-voting members of the FEC; provided that their offices would serve as custodian of reports for House and Senate candidates.

-Provided that commissioners would serve six-year, staggered terms and established a rotating one-year chairmanship.

Contribution Limits

-$1,000 per individual for each primary, runoff or general election, and an aggregate contribution of $25,000 to all federal candidates annually.

-$5,000 per organization, political committee and national and state party organization for each election, but no aggregate limit on the amount organizations could contribute in a campaign nor on the amount organizations could contribute to party organizations supporting federal candidates.

-$50,000 for president or vice president, $35,000 for Senate and $25,000 for House races for candidates and their families to their own campaign.

-$1,000 for independent expenditures on behalf of a candidate.

-Barred cash contributions of over $100 and foreign contributions.

Spending Limits

-Presidential primaries - $10 million total per candidate for all primaries. In a state presidential primary, limited a candidate to spending no more than twice what a Senate candidate in that state would be allowed to spend.

-Presidential general election - $20 million per candidate.

-Presidential nominating conventions - $2 million each major political party, lesser amounts for minor parties.

-Senate primaries - $100,000 or eight cents per eligible voter, whichever was greater.

-Senate general elections - $150,000 or 12 cents per eligible voter, whichever was greater.

-House primaries - $70,000.

-House general elections - $70,000.

-National party spending - $10,000 per candidate in House general elections; $20,000 or two cents per eligible voter, whichever was greater, for each candidate in Senate general elections; and two cents per voter (approximately $2.9 million) in presidential general elections. The expenditure would be above the candidate's individual spending limit.

-Applied Senate spending limits to House candidates who represented a whole state.

-Repealed the media spending limitations in the Federal Election Campaign Act of 1971 (P.L. 92-225).

-Exempted expenditures of up to $500 for food and beverages, invitations, unreimbursed travel expenses by volunteers and spending on "slate cards" and sample ballots.

-Exempted fund-raising costs of up to 20 percent of the candidate spending limit. Thus the spending limit for House candidates would be effectively raised from $70,000 to $84,000 and for candidates in presidential primaries from $10 million to $12 million.

-Provided that spending limits be increased in proportion to annual increases in the Consumer Price Index.

Public Financing

-Presidential general elections - voluntary public financing. Major-party candidates automatically would qualify for full funding before the campaign. Minor-party and independent candidates would be eligible to receive a proportion of full funding based on past or current votes received. If a candidate opted for full public funding, no private contributions would be permitted.

-Presidential nominating conventions - optional public funding. Major parties automatically would qualify. Minor parties would be eligible for lesser amounts based on their proportion of votes received in a past election.

-Presidential primaries - matching public funds of up to $5 million per candidate after meeting fund-raising requirements of $100,000 raised in amounts of at least $5,000 in each of 20 states or more. Only the first $250 of individual private contributions would be matched. The matching funds were to be divided among the candidates as quickly as possible. In allocating the money, the order in which the candidates qualified would be taken into account. Only private gifts, raised after Jan. 1, 1975, would qualify for matching for the 1976 election. No federal payments would be made before January 1976.

-Provided that all federal money for public funding of campaigns would come from the Presidential Election Campaign Fund. Money received from the federal income tax dollar checkoff automatically would be appropriated to the fund.

Disclosure and Enforcement

-Required each candidate to establish one central campaign committee through which all contributions and expenditures on behalf of the candidate must be reported. Required designation of specific bank depositories of campaign funds.

-Required full reports of contributions and expenditures to be filed with the Federal Election Commission 10 days before and 30 days after every election, and within 10 days of the close of each quarter unless the committee received or expended less than $1,000 in that quarter. A year-end report was due in non-election years.

-Required that contributions of $1,000 or more received within the last 15 days before election be reported to the commission within 48 hours.

-Prohibited contributions in the name of another.

-Treated loans as contributions. Required a co-signer or guarantor for each $1,000 of outstanding obligation.

-Required any organization that spent any money or committed any act for the purpose of influencing any election (such as the publication of voting records) to file reports as a political committee.

-Required every person who spent or contributed more than $100, other than to or through a candidate or political committee, to report.

-Permitted government contractors, unions and corporations to maintain separate, segregated political funds.

-Provided that the commission would receive campaign reports, make rules and regulations (subject to review by Congress within 30 days), maintain a cumulative index of reports filed and not filed, make special and regular reports to Congress and the president, and serve as an election information clearinghouse.

-Gave the commission power to render advisory opinions, conduct audits and investigations, subpoena witnesses and information and go to court to seek civil injunctions.

-Provided that criminal cases would be referred by the commission to the Justice Department for prosecution.

-Increased existing fines to a maximum of $50,000.

-Provided that a candidate for federal office who failed to file reports could be prohibited from running again for the term of that office plus one year.

Miscellaneous

-Set Jan. 1, 1975, as the effective date of the act (except for immediate pre-emption of state laws).

-Removed Hatch Act restrictions on voluntary activities by state and local employees in federal campaigns, if not otherwise prohibited by state law.

-Prohibited solicitation of funds by franked mail.

-Pre-empted state election laws for federal candidates.

-Permitted use of excess campaign funds to defray expenses of holding federal office or for other lawful purposes.

Appendix C

The 1976 Federal Amendments

Highlights of P.L. 94-283, opening the PAC and independent expenditure loopholes.

Federal Election Commission

-Reconstituted the Federal Election Commission as a six-member panel appointed by the president and confirmed by the Senate.

-Prohibited commission members from engaging in outside business activities; gave commissioners one year after joining the body to terminate outside business interests.

-Gave Congress the power to disapprove individual sections of any regulation proposed by the commission.

Contribution Limits

-Limited an individual to giving no more than $5,000 a year to a political action committee and $20,000 to the national committee of a political party (the 1974 law set a $1,000-per-election limit on individual contributions to a candidate and an aggregate contribution limit for individuals of $25,000 a year, both provisions remaining in effect).

-Limited a multi-candidate committee to giving no more than $15,000 a year to the national committee of a political party (the 1974 law set only a limit of $5,000 per election per candidate, a provision remaining in effect).

-Limited the Democratic and Republican senatorial campaign committees to giving no more than $17,500 a year to a candidate (the 1974 law set a $5,000-per-election limit, a provision remaining in effect).

-Allowed campaign committees organized to back a single candidate to provide "occasional, isolated, and incidental support" to another candidate. (The 1974 law had limited such a committee to spending money only on behalf of the single candidate for which it was formed.)

-Restricted the proliferation of membership organization, corporate and union political action committees. All political action committees established by a company or an international union would be treated as a single committee for contribution purposes. The contributions of political action committees of a company or union would be limited to no more than $5,000 overall to the same candidate in any election.

Spending Limits

-Limited spending by presidential and vice presidential candidates to no more than $50,000 of their own, or their families' money on their campaigns, if they accepted public financing.

-Exempted from the law's spending limits payments by candidates or the national committees of political parties for legal and accounting services required to comply with the campaign law, but required that such payments be reported.

Public Financing

-Required presidential candidates who received federal matching subsidies and who withdrew from the pre-nomination election campaign to give back leftover federal matching funds.

-Cut off federal campaign subsidies to a presidential candidate who won less than 10 percent of the vote in two consecutive presidential primaries in which he ran.

-Established a procedure under which an individual who became ineligible for matching payments could have eligibility restored by a finding of the commission.

Disclosure and Enforcement

-Gave the commission exclusive authority to prosecute civil violations of the campaign finance law and shifted to the commission jurisdiction over violations formerly covered only in the criminal code, thus strengthening its power to enforce the law.

-Required an affirmative vote of four members for the commission to issue regulations and advisory opinions and initiate civil actions and investigations.

-Required labor unions, corporations and membership organizations to report expenditures of over $2,000 per election for communications to their stockholders or members advocating the election or defeat of a clearly identified candidate. The costs of communications to members or stockholders on issues would not have to be reported.

-Required that candidates and political committees keep records of contributions of $50 or more. (The 1974 law had required records of contributions of $10 or more.)

-Permitted candidates and political committees to waive the requirement for filing quarterly campaign finance reports in a non-election year if less than a total of $5,000 was raised or spent in that quarter. Annual reports would still have to be filed. (The exemption limit was $1,000 under the 1974 law.)

-Required political committees and individuals making an independent political expenditure of more than $100 that advocated the defeat or election of a candidate to file a report with the election commission. Required the committee and individual to state, under penalty of perjury, that the expenditure was not made in collusion with a candidate.

-Required that independent expenditures of $1,000 or more made within 15 days of an election be reported within 24 hours.

-Limited the commission to issuing advisory opinions only for specific fact situations. Advisory opinions could not be used to spell out commission policy. Advisory opinions were not to be considered as precedents unless an activity was "indistinguishable in all its material aspects" from an activity already covered by an advisory opinion.

-Permitted the commission to initiate investigations only after it received a properly verified complaint or had reason to believe, based on information it obtained in the normal course of its duties, that a violation had occurred or was about to occur. The commission was barred from relying on anonymous complaints to institute investigations.

-Required the commission to rely initially on conciliation to deal with alleged campaign law violations before going to court. The commission was allowed to refer alleged criminal violations to the Department of Justice for action. The attorney general was required to report back to the commission within 60 days an action taken on the apparent violation and subsequently every 30 days until the matter was disposed of.

-Provided for a one-year jail sentence and a fine of up to $25,000 or three times the amount of the contribution or expenditure involved in the violation, whichever was greater, if an individual was convicted of knowingly committing a campaign law violation that involved more than $1,000.

-Provided for civil penalties of fines of $5,000 or an amount equal to the contribution or expenditure involved in the violation, whichever was greater. For violations knowingly committed, the fine would be $10,000 or an amount equal to twice the amount involved in the violation, whichever was greater. The fines could be imposed by the courts or by the commission in conciliation agreements. (The 1974 law included penalties for civil violations of a $1,000 fine and/or a one-year prison sentence.)

Miscellaneous

-Restricted the fund-raising ability of corporate political action committees. Company committees could seek contributions only from stockholders and executive and administrative personnel and their families. Restricted union political action committees to soliciting contributions only from union members and their families. However, twice a year the law permitted union and corporate political action committees to seek campaign contributions by mail from all employees not initially included in the restriction. Contributions would have to remain anonymous and would be received by an independent third party that would keep records but pass the money to the committees.

-Permitted trade association political action committees to solicit contributions from member companies' stockholders, executive and administrative personnel and their families.

-Permitted union political action committees to use the same method to solicit campaign contributions that the political action committee of the company uses. The union committee would have to reimburse the company at cost for the expenses the company incurred for the political fund raising.

Appendix D

The 1979 Federal Amendments, highlighting major changes.

(Source: Dollar Politics (Washington; Congressional Quarterly, Inc., 1982) pp. 137-8.)

Disclosure

-Required a federal candidate to file campaign finance reports if he or she received or expended more than $5,000. Previously any candidate, regardless of the amount raised or spent, had to file.

-Allowed local political party organizations to avoid filing reports with the FEC if expenditures for certain voluntary activities (get-out-the-vote and voter registration drives for presidential tickets and purchase of buttons, bumper stickers and other materials) were less than $5,000 a year. If other types of expenditures were more than $1,000 a year, then such a group would be required to file. Previously local political party organizations were required to file when any class of expenditure exceeded $1,000 a year.

-Permitted an individual to spend up to $1,000 in behalf of a candidate or $2,000 in behalf of a political party in voluntary expenses for providing his home, food or personal travel without its being counted as a reportable contribution.

-Eliminated the requirement that a political committee have a chairman, but continued the requirement that each have a treasurer.

-Allowed 10 days, instead of the previous five, for a person who received a contribution of more than $50 on behalf of a candidate's campaign committee to forward it to the committee's treasurer.

-Required a committee's treasurer to preserve records for three years. Previously, the FEC established the period of time that committee treasurers were required to keep records.

-Required a candidate's campaign committee to have the candidate's name in the title of the committee. Also, the title of a political action committee was required to include the name of the organization with which it was affiliated.

-Reduced to six from 11 the categories of information required on registration statements of political committees. One of the categories eliminated was that requiring political action committees to name the candidates supported. This requirement meant that PACs were forced frequently to file lists of candidates to whom they contributed when that information already was given in their contribution reports.

-Reduced to nine from 24 the maximum number of reports that a candidate would be required file during a two-year election cycle. Those nine reports would be a pre-primary, a pre-general, a post-general, four quarterly reports during an election year and two semi annual reports during the non-election year. The pre-election reports would be due 12 days before the election; the post general report would be due 30 days after the election; the quarterly reports would be due 15 days after the end of each quarter and the semi annual reports would be due July 31 and Jan. 31.

-Required presidential campaign committees to file monthly reports, as well as pre- and post-general reports, during an election year if they had contributions or expenditures in excess of $100,000. All other presidential campaign committees would be required to file quarterly reports, as well as pre- and post-general reports, during an election year. During a non-election year presidential campaign committees could choose whether to file monthly or quarterly reports.

-Required political committees other than those affiliated with a candidate to file either monthly reports in all years or nine reports during a two-year election cycle.

-Provided that the FEC be notified within 48 hours of contributions of $1,000 or more that were made between 20 days and 48 hours before an election. Previously the period had been between 15 days and 48 hours before an election.

-Required the names of contributors to be reported if they gave $200 or more instead of $100 or more.

-Required expenses to be itemized if they were $200 or more instead of $100 or more.

-Increased the threshold for reporting independent expenditures to $250 from $100.

Federal Election Commission

-Established a "best effort" standard for the FEC to determine compliance by candidates' committees with the law. This was intended to ease the burden on committees, particularly in the area of meeting the requirement of filing the occupations of contributors.

-Allowed any person who had an inquiry about a specific campaign transaction - not just federal officeholders, candidates, political committees and the national party committees - to request advisory opinions from the FEC.

-Required the FEC to respond to advisory opinion requests within 60 days instead of within a "reasonable time". If such a request were made within the 60-day period before an election, the FEC would be required to issue an opinion within 20 days.

-Provided that within five days of receiving a complaint that the election campaign law had been violated the FEC must notify any person alleged to have committed a violation. The accused had 15 days in which to respond to the complaint.

-Required a vote of four of the six members of the FEC to make the determination it had "reason to believe" a violation of the law had occurred. An investigation then would be required, and the accused had to be notified.

-Provided that four votes of the FEC were necessary to determine "probable cause" that a violation had occurred. The commission then would be required to attempt to correct the violation by informal methods and to enter into a conciliation agreement within 90 days. Commission action required the vote of four FEC members.

-Narrowed the scope of the FEC's national clearinghouse function from all elections to federal elections.

-Eliminated random audits of committees by the FEC and required a vote of four FEC members to conduct an audit after it had determined that a committee had not substantially complied with the election campaign law.

-Required secretaries of state in each state to keep copies of FEC reports on file for only two years compared with the previous requirement that all House candidate reports be retained for five years and all other reports for 10 years.

-Provided an expedited procedure for the Senate, as well as for the House, to disapprove a regulation proposed by the FEC.

Enforcement

-Retained the substance of the existing law providing for civil and criminal relief of election campaign law violations.

-Continued the prohibition on the use of the contents of reports filed with the FEC for the purpose of soliciting contributions or for commercial purposes, but added the exception that the names of PACs registered with the FEC may be used for solicitation of contributions.

-Permitted political committees to include 10 pseudonyms on each report to protect against illegal use of the names of contributors. A list of those names would be provided to the FEC and would not be made public.

Political Parties

-Allowed state and local party groups to buy, without limit, buttons, bumper stickers, handbills, brochures, posters and yard signs for voluntary activities.

-Authorized state and local party groups to conduct voter registration and get-out-the-vote drives on behalf of presidential tickets without financial limit.

Public Financing

-Increased the allotment of federal funds for the Democrats and Republicans to finance their nominating conventions to $3 million from $2 million.

Miscellaneous

-Permitted buttons and similar materials, but not commercial advertisements, that promoted one candidate to make a passing reference to another federal candidate without its being treated as a contribution to the second candidate.

-Permitted leftover campaign funds to be given to other political committees, as well as charities.

-Prohibited anyone, with the exception of members of Congress at the time of P.L. 96-187's enactment, to convert leftover campaign funds to personal use.

-Continued the ban on solicitation by candidates for Congress or members of Congress and by federal employees of other federal workers for campaign contributions, but dropped the prohibition on the receipt of such contributions by federal employees. An inadvertent solicitation of a federal employee would not be a violation.

-Permitted congressional employees to make voluntary contributions to members of Congress other than their immediate employers.

-Continued the ban on solicitation and receipt of contributions in a federal building. But it would not be a violation if contributions received at a federal building were forwarded within seven days to the appropriate political committee and if the contribution had not been directed initially to the federal building.

PART THREE

SURVEY
OF
ELECTION FINANCE LEGISLATION
IN
CANADA AND THE UNITED STATES
1983

REFERENCE **NAME:** **CANADA**

Canada Elections Act
R.S.C. 1970 c.14 (1st Supp.)
as amended to 1982.

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x party x Forms: yes x
other ___ Audit: yes x

To: CEO x Commission ___ Registration: yes x
Secretary of State ___

Detail:

		name	address	amount	threshold amount	date	employer/purpose (1) (2)
1.	contributions	x		x	$100		
2.	expenditure	x	x	x	$ 25	x	x

Time of filing:

	before	after
general election		
party		6 months
candidate		4 months

Comments:
Also contributions to be broken by class of donor.
Expenditures under $25 to be reported by totals.

Party also files annual reports.

PUBLIC DISCLOSURE

By: CEO
How long records kept: 6 months
Manner of disclosure: Public inspection
Publication in local newspaper

CONTROL MECHANISM

Name: CEO
Duties: receive reports x
investigate x
publicize reports x
refer violations to AG x
other ___

A Commissioner of Canada Elections is appointed by the CEO whose duty is to ensure compliance with and enforcement of the Act.

AGENCY

Candidate's agent: Official agent
Function: Same

Party's agent: Chief agent
Function:
1. Receive contributions
2. Authorize expenditures
3. Keep records
4. File reports

FUNDING PROVISIONS

Manner:	tax deduction	x *
	tax credit	___
	tax checkoff	___
	reimbursement	x
	other	___

* See next page

Registered parties filing satisfactory evidence re: broadcast time allocated to be paid for by party may be reimbursed for 50% of cost. Candidates elected or polling more than 15% of the vote receive the lesser of

1. actual expenses, or
2. aggregate of:
   (a) a limited postage allowance
   (b) 8¢ for each of the first 25,000 names on the list of electors
   (c) 6¢ for each name in excess of 25,000 and, if qualifying, a travelling expense - the lesser of

   (i) actual travelling expenses;
   (ii) 1¢ x no. of square miles in electoral district and
   (iii) $3,000.00.

EXPENDITURE LIMITATIONS

Provisions:

1. Candidate:
   (a) $1 for each of the first 15,000 names appearing on the preliminary lists of electors for the electoral district; plus
   (b) 50¢ for each name greater than 15,000 but not greater than 25,000; plus
   (c) 25¢ for each name in excess of 25,000.
2. Registered party:
   Aggregate of 30¢ for a name appearing on all preliminary lists of electors for the electoral districts in which there is an official candidate of the party.

CONTRIBUTION LIMITATIONS

Provisions:

Advertising Regulation:

1. Each broadcaster must make available a total of 6½ hours prime time to registered political parties.
2. Rates charged must not exceed lowest applicable rate.
3. Partisan media advertising restricted to period from 29th day before polling day to midnight of second day before polling day.

PENALTIES

1.	Exceeding expenditure limitations	-	$25,000 fine (max.)
2.	Failure to file or filing a false statement	-	$25,000 fine (max.)
3.	Violating broadcasting provisions	-	$25,000 fine (max.)

*FUNDING PROVISIONS

A. Tax Deduction

(a) 75% of the amount contributed if the amount contributed does not exceed $100;

(b) $75 plus 50% of the amount by which the amount contributed exceeds $100 if the amount contributed exceeds $100 but not $550;

(c) lesser of
  (1) $300 plus 33 1/3% of the amount by which the amount contributed exceeds $550.
  (2) $500.

REFERENCE

Election Finances and Contributions
Disclosure Act R.S. Alta 1980 c.E-3
as amended to June 1, 1982.

NAME: **ALBERTA**

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x Constituency Association x
other party

To: CEO x Commission ___
Secretary of State ___

Forms: yes x

Audit: yes x

Registration: yes x

Detail:

		name	address	amount	threshold amount	date	(1) employer/(2) purpose
1.	contribution	x	x	x	$375	x	
2.	expenditure						

Time of filing:

	before	after
primary		
general election		
party	-	6 months
candidate	-	3 months

Audited statements of assets and liabilities and of receipts and payments to be filed annually by March 31st

Comments:
Returns to show totals of contributions
1. less than $40 received from a single contributor
2. between $40 and $375 received from a single contributor

Annual returns to exclude information contained in campaign returns.

Individual amounts contributed and the name and address of the contributor to be specified where his aggregate contributions exceed $375 during the year.

PUBLIC DISCLOSURE

By: CEO
How long records kept: Two years
Manner of disclosure: Public inspection
Publication of summary of candidates' expenses.

CONTROL MECHANISM

Name: CEO
Duties: receive reports x
investigate x
publicize reports x
refer violations to AG x
other ___

AGENCY

Candidate's agent: C.F.O.
Function:
1. Keep records
2. Issue receipts
3. Receive contributions
4. File financial statements

Constituency Association's agent: C.F.O.
Function: Same

Party's Agent: C.F.O.
Function: Same

FUNDING PROVISIONS*

Manner:
- tax deduction x
- tax credit ___
- tax checkoff ___
- reimbursement ___
- other ___

Detail:
1. 75% of contribution if totals not greater than $100.
2. $75 plus 50% of contribution if total is greater than $100 but less than $550, or,
3. Lesser of (i) $500, and (ii) $300, plus 33 1/3% of amount in excess of $550;

or, the amount of tax payable whichever is less.

* individuals - s.13 The Alberta Income Tax Act
corporations - s.24 The Alberta Corporate Income Tax Act

EXPENDITURE LIMITATIONS

Provisions: None

CONTRIBUTION LIMITATIONS

1. Contributions by any person, corporation, trade union or employee organization to registered parties, registered constituency associations or registered candidates shall not exceed

(a) in any year,

   (i) $15,000 to each registered party, and
   (ii) $750 to any registered constituency association, and $3,750 in the aggregate to the constituency associations of each registered party,

and

(b) in any campaign period,

   (i) $30,000 to each registered party less any amount contributed to the party in that calendar year under clause (a)(i), and
   (ii) $1,500 to any registered candidate, and $7,500 in the aggregate to the registered candidates of each registered party.

Contributions may be made to a registered constituency association at any time except during a campaign period.

No contributions may be made to a candidate except during a campaign period.

2. Prohibition against anonymous contributions greater than $40 - must be returned or paid over to C.E.O. Fund-raising functions - if individual charge is less than $10, it does not equal a contribution, unless by request

of contributor. For amount more than $10, less than $50 - ½ amount is considered as an expense, the balance as a contribution, for amounts greater than $50, $25 considered as expense, the balance as a contribution. An annual membership fee for a political party or constituency association of less than $40, is not considered to equal a contribution.

Individual amounts under $40 given at meetings, not contributions. Contributions of less than 15¢ per month by any member of a trade union or employee organization are not considered contributions by the member. Funds received during campaign period from federal political party not considered contributions (max. $150 per candidate).

PENALTIES

1. Exceeding limits by person, corporation, trade union or employee organization --

   C.E.O. may require that the party in question pay a sum equivalent to the amount by which the contribution exceeded the limitations of the Act to the CEO who shall then pay this amount into the General Revenue Fund.

2. Failure to file
   - C.F.O. - $ 1,000 fine
   - party for whom C.F.O. acts - $ 5,000 fine
   - constituency assn. or candidate for whom C.F.O. acts - $ 1,000 fine
   - candidate - ineligible to sit in Assembly

3. Contravention of the Act by corporation, trade unions, or employee organizations - $10,000 fine

4. Contravention of the Act by individuals - $ 1,000 fine

REFERENCE

NAME: **BRITISH COLUMBIA**

The Election Act RSBC 1979
c.103 ss.172-178,
(consolidated September, 1982).

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x party x
other __

Forms: yes x sworn
Audit: yes __

To: CEO x Commission __
Secretary of State __

Detail:

	name	address	amount	threshold amount	date	(1) (2) employer/purpose
1. contribution						
2. expenditure						

Time of filing:

	before	after
primary		
general election		60

Comments:
Filed by candidate and central committee of every party

1. All electoral expenses. ("statements in detail")
2. All disputed and unpaid claims

PUBLIC DISCLOSURE

By: Chief Electoral Officer
How long records kept: 1 year or until dissolution of assembly, whichever is shorter.
Manner of disclosure: Public inspection

CONTROL MECHANISM

Name: Chief Electoral Officer
Duties: receive reports x
investigate __
publicize reports __
refer violations to AG x
other __

Composition:
Appointed by Lieutenant Governor

AGENCY

Candidate's agent: Official agent*
Function:
1. Receive contributions
2. Authorize expenditures
3. Verify and file reports

Party's agent: Secretary and treasurer of central committee
Function: Same

* Candidate may appoint self

FUNDING PROVISIONS

Manner:	tax deduction	
	tax credit	x
	tax checkoff	
	reimbursement	
	other	

Detail:
S.8.1 The Income Tax Act of British Columbia
- effective April 2nd, 1979.

Taxpayer may deduct from tax otherwise payable:

1. 75% of aggregate annual contributions for aggregates of less than $100;
2. $75 plus 50% of the amount of the aggregate which is more than $100, less than $550;
3. The smaller of
   (a) $300 plus 1/3 of the amount by which the aggregate exceeds $550, and
   (b) $500 - maximum deduction is $500.

EXPENDITURE LIMITATIONS

Provisions:

1. Allowable expenditures specified
2. No person to receive pay for promoting election unless for services within categories of allowable expenditures.

CONTRIBUTION LIMITATIONS

Provisions:

PENALTIES

1. Person making payment otherwise than through official agent - $250 fine
2. Other violations of provisions - Min. $200 fine, max, $1,000 fine; in default of payment - 6 months imprisonment

REFERENCE

NAME: **MANITOBA**

The Election Finances Act S.M. 1980
c.E-32

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x party x
other _

To: CEO _ Commission x
Secretary of State _

Forms: x
Audit: x

party - annual
candidate - within 3 months of polling day

Detail:

Where a political party or a candidate, or any person on its or his behalf accepts

(a) a single contribution in excess of $25.00; or

(b) contributions from a single source in any year the aggregate value of which exceeds $25.00;

the chief financial officer of the political party or candidate shall record the contributions, including the name and address of the contributor.

Every chief financial officer of a political party, or candidate shall file with the commission a return setting out

(a) the total amount or value of contributions received during the period covered by the statement from each person or trade union whose aggregate contributions during that period equal or exceed $250.00 in total value and the name and address of the person or trade union;

(b) the aggregate amount or value of contributions received during the period covered by the statement and not included in the totals required to be set out under clause (a) where the amount or value of the contribution is $25.00 or more and less than $250.00; and

(c) the aggregate amount or value of contributions received during the period covered by the statement and not included in the totals or aggregate required to be set out under clause (a) or (b).

PUBLIC DISCLOSURE

By: Commission
How long records kept:
Manner of Disclosure: Public inspection

CONTROL MECHANISM

Name: The Elections Commission

Duties: register parties and candidates
receive reports
investigate
make reports available to public
report annually to assembly

NOTE:
The Commission has all rights and powers that the Crown and its officers have in respect of prosecutions for offences under other Acts of the Legislature. No person other than the Commission can prosecute anyone under this Act.

Composition:
(1) C.E.O.
(2) Chairman appointed by the Lieutenant Governor
(3) Two representatives of each registered party with four or more seats in the assembly.

AGENCY

Candidate's Agent: C.F.O.
Function: Receive contributions
Issue receipts
File statements
Keep records

Party's Agent: C.F.O.
Function: Same

FUNDING PROVISIONS

Manner:	tax deduction	x
	tax credit	
	tax checkoff	
	reimbursement	
	other	

Detail:

S.9(1) The Income Tax Act (Manitoba). A taxpayer may deduct from the tax otherwise payable:

(1) 75% of the amount contributed if the amount contributed does not exceed $100;
(2) $75 plus one-half of the amount by which the amount contributed exceeds $100 if the amount contributed exceeds $100 but does not exceed $550; or
(3) if the amount contributed exceeds $550, the lesser of
    (a) $300 plus one-third of the amount by which the amount contributed exceeds $550; or
    (b) $500.

EXPENDITURE LIMITATIONS

Both parties and candidates file separate returns detailing advertising expenditure.

"Blackout restrictions" control electoral advertising by those other than candidates or parties.

Advertising expenditures by parties and candidates are limited to:

(a) in the case of a political party in relation to a general election, an aggregate amount determined by multiplying $.40 by the number of names appearing on all the revised voters' lists in that general election for all the electoral divisions in which the political party has candidates endorsed by the political party;

(b) in the case of a political party in relation to a by-election in an electoral division, an aggregate amount determined by multiplying $.75 by the number of names appearing on the revised voters' lists for the electoral division in that by-election; and

(c) in the case of a candidate in an election in an electoral division, an aggregate amount determined by multiplying $.25 by the number of names appearing on the revised voters' lists for the electoral division in that election.

CONTRIBUTION LIMITATIONS

Provisions:

Fund-raising functions: ½ of the charge is allowed for expenses, the balance is considered a contribution.

No contributions can be accepted from a trust fund or an unincorporated organization other than a trade union, unless the trust or organization can indicate the individual sources and amounts making up the contribution.

PENALTIES

(Obstructing
(False receipts
(False documents
(False information — maximum fine - $1,000

Failure to File:

C.F.O. of party or candidate liable to maximum fine of $2,000.

Until statement is filed, candidate is ineligible to be registered as a candidate in any subsequent election - report forwarded to assembly by Commission.

Date: July, 1983.

NAME: **NEW BRUNSWICK**

REFERENCE

Political Process Financing Act 1978
as amended by SNB 1978 c.82,
SNB 1979 c.41, SNB 1980 c.40.

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: Independent candidate: x
District Association: x
Other: party

Forms: yes _
Audit: yes _

To: CEO _ Commission x
Secretary of State _

Detail:

		name	address	amount	threshold amount	date	(1) employer/purpose (2)
1.	contribution	x	x	x	$100		
2.	expenditure						

Time of filing:

(a) Official representative of independent candidate must submit a financial return re: election expenses within 90 days of polling day.

(b) Registered parties must file election expense statements within 120 days of date fixed for return of the writs for a general election.

(c) Also registered parties must submit financial returns reporting all other expenditures (i.e. non-election expenditures) and their assets.

By October 1st for first six months, April 1st for last six months. If deadline falls during an election period, the date is extended 90 days from polling date.

(d) Registered district associations must submit one such general financial statement (as in (c)) annually.

PUBLIC DISCLOSURE

By: Supervisor
How long records kept: 6 years
Manner of disclosure: Public inspection and publication of candidate/party statements - The Royal Gazette

CONTROL MECHANISM

Name:
Duties: receive reports x
investigate x
publicize reports x
refer violations to AG x
other draw up forms and guidelines

Composition:
Supervisor appointed by Lt.Governor in Council with approval of Legislative Assembly. Advisory Committee composed of two representatives of every party holding seats in the House.

AGENCY

Candidate's agent: Official representative
Function:
1. Authorize expenditures
2. Receive contributions
3. Keep records and issue receipts
4. File reports

Party's agent: Official representative/chief agent
Function: Same

FUNDING PROVISIONS

Manner: tax deduction x
tax credit —
tax checkoff —
reimbursement x
other —

Detail:

S.2.1 The Income Tax Act of New Brunswick. Taxpayer may deduct from income tax otherwise payable:

1. three-quarters of the total contributions if they do not exceed $100;
2. $75 plus one-half of the amount if the total is between $100 and $550, or
3. the lesser of
   (a) $300 plus one-third of the amount by which the total exceeds $550 if the total exceeds $550, and
   (b) $500.

Public Financing of Political Parties and Candidates:

Under Section 31, 32 of the Act:

31 An annual allowance shall be payable for the year 1979 and each subsequent year

(a) to every registered political party represented in the Legislative Assembly on the first day of January of each year, and

(b) to every registered political party which, although not represented in the Legislative Assembly, had at least ten official candidates at the immediately preceding general election.

32(1) The annual allowance of each registered political party entitled thereto shall be an amount equal to that obtained by multiplying one dollar by the total number of valid votes cast for the official candidates of that party at the immediately preceding general election.

Under Section 78 of the Act:

> An election expenses reimbursement shall be paid to the official agent of each candidate at any election declared elected under the Elections Act, and to the official agent of each candidate having obtained, according to the official or final addition of the votes cast at such election, twenty percent of the valid votes cast in the electoral district in which he was a candidate.

78(2) The election expenses reimbursement to be paid to the official agent of a candidate entitled thereto shall be an amount equal to the lesser of

(a) the amount of the election expenses of the candidate

(b) an amount equal to the sum obtained by allowing thirty-five cents for each of the electors in the electoral district and adding thereto the cost of mailing a single one ounce first class letter to each elector in the electoral district.

EXPENDITURE LIMITATIONS

Political party - Election expenses maximum is determined by 85¢ x no. of electors in aggregate of districts where party fields candidates.
In by-election party spending limited to maximum $4,000.

Candidate - Election expenses $1.50 x no. of electors in his district - max. of $20,000, min. of $7,500.

Advertising Expenditures - Registered political party $25,000 per year. Registered independent candidate $200 per year.

CONTRIBUTION LIMITATIONS

Provisions:

Calendar year - $3,000

Election year - $6,000

Only individuals, corporations and trade unions may contribute.
Membership dues of less than $25 per year do not constitute a contribution to a political party.

Prohibition against:

1. Anonymous contributions
2. Cash contributions in excess of $100
3. Contributions in the name of another

PENALTIES

1.	Exceeding limits, wilfully filing a false statement	-	$10,000 fine, 3 months' imprisonment, election of candidate null and void.
2.	A candidate whose official agent with knowledge of the candidate commits an above offence	-	$1,000 fine, 3 months' imprisonment, election of candidate null and void.
3.	Anyone who knowingly makes a false statement in any return or withholds or destroys information	-	$5,000 fine, 3 months' imprisonment.
4.	Individuals otherwise violating the Act	-	$1,000 fine.
5.	Corporations and unions otherwise violating the Act	-	$10,000 fine.
6.	Failure to file a return	-	No reimbursement to party or candidate from public funds - $50 per day fine during period of default.

Date: July, 1983.

REFERENCE

NAME: **NEWFOUNDLAND**

The Election Act, R.S. Nfld., 1970, c.106, s.s. 112 - 121.

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee _
other _

Forms: yes _
Audit: yes _

To: CEO _ Commission _
Secretary of State x Minister _

Detail:

	name	address	amount	threshold amount	date	(1) (2) employer/purpose
1. contribution						
2. expenditure						

Time of filing:

	before	after
primary		
general election		4 months

A detailed statement of all election expenses must be filed. All outstanding claims must be paid by candidate within 3 months after the election.

PUBLIC DISCLOSURE

By: Minister
How long records kept: 6 months
Manner of disclosure: Public inspection

CONTROL MECHANISM

Name:
Duties: receive reports _
investigate _
publicize reports _
refer violations to AG _
other _

Composition:

AGENCY

Candidate's agent: Official agent
Function: 1. File reports

Committee's agent:
Function:

FUNDING PROVISIONS

Manner: tax deduction _
tax credit _
tax checkoff _
reimbursement _
other _

Detail:

EXPENDITURE LIMITATIONS

Provisions:

Advertising Regulation:

1. All advertisements must be properly identified.

CONTRIBUTION LIMITATIONS

Provisions:

PENALTIES

1. Failure to file	- Fine of $10/day for each day of delay.
2. Filing a false statement	- $500 fine, 3 months' imprisonment in default of payment.

Date: July, 1983.

REFERENCE

NAME: NOVA SCOTIA

Elections Act, R.S.N.S. 1967, c.83 as amended by S.N.S. 1969, c.40; S.N.S. 1970, c.41; S.N.S. 1973, c.29; S.N.S. 1977, c.28; and S.N.S. 1981, c.21.

DISCLOSURE PROVISIONS

By: candidate x association — other party

Forms: yes —
Audit: —

To: CEO x Commission — Secretary of State —

Detail:

		name	address	amount	threshold amount	date	(1) (2) employer/purpose
1.	contribution						
2.	expenditure	x		x	$25	x	x

Time of filing:

Candidate: Within 60 days of return of writ of election - accompanied by invoices, etc. - delivered to Returning Officer - summary published - district newspaper within 14 days - returning officer holds reports for 1 month - publicly available, then forwards to CEO.

Party: Within 120 days of return of writs of election - delivered to CEO - CEO publishes summary in Royal Gazette within 30 days.

Public Disclosure: See above re time of filing.

By: Ultimately by CEO after publications of summaries.

How long records kept:
Candidate records held by CEO for at least 1 year - party records - 6 months.

Method of Disclosure:
1. Publish summary in newspaper
2. Public inspection
3. Summary of party reports in official Gazette

CONTROL MECHANISM

Name: Election Commission

Duties:
1. Consider reports of investigations by CEO and determine whether prosecution warranted.
2. Advise CEO re: administration of elections.

Composition:
1. CEO
2. Chairman appointed by Governor in Council
3. 2 persons appointed by each of the leaders of a recognized party (House of Assembly Act.

NOTE: The Commission has all rights, powers and authority of the Attorney General in regard to prosecutions under the Act. S.6B.

AGENCY

Candidate: Official agent
Function:
1. Authorize expenditures
2. Submit reports

Party: Official agent
Function: Same

FUNDING PROVISIONS

Manner:	tax deduction	x
	tax credit	
	tax checkoff	
	reimbursement	x
	other	

Candidates elected or receiving at least 15% of the vote are entitled to reimbursement of expenses not to exceed 25¢ per listed elector.

Reimbursements are indexed to the N.S. Consumer Price Index 1969 = base year.

Tax Deduction: The taxpayer may deduct from the amount of tax otherwise payable:

(a) 75% of the aggregate amount contributed if the aggregate amount contributed does not exceed $100;
(b) $75 plus 50% of the amount by which the aggregate amount contributed exceeds $100 but does not exceed $550; or
(c) the lesser of
  (i) $300 plus 33 1/3% of the amount by which the aggregate amount contributed exceeds $550; and
  (ii) $500.

The Income Tax Act 1967 c.134 as amended - 1981 Amendments regarding contributions SNS 1981 c.21.

EXPENDITURE LIMITATIONS

Provisions:

1. General election - candidate:
  (a) $1/elector to first 5,000 electors
  (b) 85¢/elector for number greater than 5,000 but less than 10,000
  (c) 75¢/elector for number above 10,000

2. General election - party:
  40¢ x number of electors in districts where the party has 1 or more candidates.

The maximum allowable expenses are increased or decreased in accordance with the N.S. Consumer Price Index - calculation is done by CEO's office. 1969 = base year.

CONTRIBUTION LIMITATIONS

Provisions: May be given to candidate or party
No limit on amount or on "type" of contributor.

Advertising Regulation:

1. Every advertisement to be properly identified.

PENALTIES

1. Exceeding expenditure limitations, filing a false report, illegal payment of claim.	- Guilty of corrupt practice, prohibited from holding office for 5 years, subject to penalty for general violation.
2. General violation of Act.	- $2,000 fine, 2 years imprisonment.
3. Failure to file.	- Disqualified from sitting until reports are filed, fine of $500/day for each day in which he sat or voted in the House.

Date: July, 1983.

REFERENCE

The Election Finances Reform Act,
R.S.O. 1980 c.134.

NAME: **ONTARIO**

ADDRESS: Commission on Election Contributions
and Expenses,
8th Floor, 151 Bloor St. W.,
Toronto, Ont.
M5S 1S4

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x constituency association x
other party

To: CEO ___ Commission x
Secretary of State ___

Forms: yes x
Audit: yes x

Registration: yes x

Detail:

		name	address	amount	threshold amount	date	(1) (2) employer/purpose
1.	contribution	x	x	x	$100		
2.	expenditure			x	all	x	x

Time of filing:

	before	after
primary		
general election		6 months

Comments:

CFO of every registered political party and constituency association must file annual statement on or before 31st of May.

PUBLIC DISCLOSURE

By: Commission on Election Contributions and Expenses
How long records kept:
Manner of disclosure:
Publish summary in local newspaper
Public inspection

CONTROL MECHANISM

Name: See above
Duties: receive reports x
investigate x
publicize reports x
refer violations to AG x
other see S.4 of Act

Composition:
2 persons from each party holding 4 seats in the Assembly and which nominated candidates in at least 50% of the electoral districts in the last election, a bencher from the Law Society of Upper Canada, the Chief Electoral Officer and the Chairman.

AGENCY

Candidate's agent: Chief Financial Officer
Function:
1. Receive contributions
2. Authorize expenditures
3. Keep accounts and records
4. File reports

Party/Association's agent: Chief Financial Officer
Function: Same

FUNDING PROVISIONS

Manner:
- tax deduction ___
- tax credit x
- tax checkoff ___
- reimbursement x
- other ___

Detail:

Candidates receiving at least 15% of the popular vote receive reimbursement for lesser of campaign expenses or aggregate of 16¢ per voter for the first 25,000 voters in the electoral district and 14¢ for each voter in excess of 25,000; slightly more in northern regions. Also a subsidy for auditor costs.

EXPENDITURE LIMITATIONS

Provisions:

Advertising:

1. Advertising expenses limited to:
   - (a) For registered parties in a general election - 25¢ x no. of names appearing on all lists of voters for districts in which there is a party candidate.
   - (b) For registered parties in a by-election - 50¢ x no. of names on lists.
   - (c) For registered constituency association, registered candidate - 25¢ x no. of names on revised list for the electoral district.
2. Advertising period: 22 days before polling day to 2 days before polling day.
3. Rates charged must be the lowest for the category of advertising.

CONTRIBUTION LIMITATIONS

Provisions:

1. By individuals, corporations, unions:
   - (a) annually - $2,000 to each registered party; $500 to each registered constituency association not to exceed $2,000 in aggregate
   - (b) during campaign, in addition to above - $2,000 to each registered party; $500 to each registered candidate not to exceed $2,000 in aggregate.
2. By Federal political parties: $100 for each registered provincial candidate endorsed by that party.
3. Advertising having value in excess of $100 paid for by an individual, corporation, or trade union on behalf of a candidate with his knowledge and consent is considered a contribution.
4. Prohibition against:
   - (a) Contributions in the name of another
   - (b) Cash contributions above $10
   - (c) Anonymous contributions
   - (d) Contributions from non-residents.

PENALTIES

1.	Exceeding contribution limits	- individuals - $ 1,000 fine corporations - $10,000 fine unions - $10,000 fine
2.	Accepting excess contributions exceeding expenditure limitations	- individuals - $ 1,000 fine party - $ 2,000 fine
3.	Failure to file, filing a false report	- $1,000 fine, party $2,000 fine
4.	Candidate's failure to file	- ineligible to sit or run for office until statement is filed

REFERENCE

NAME: **PRINCE EDWARD ISLAND**

Election Expenses Act*
Bill No. 53 - 32 Elizabeth II, 1983.

* Assent June 23rd, 1983. No date set for proclamation.

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee _
other party

Forms: yes x
Audit: yes x

To: CEO x Commission _
Secretary of State _
Minister _

Detail:

	name	address	amount	threshold amount	date	(1) employer	(2) purpose
1. contribution	x	x	x	$250	x		
2. expenditure	x	x	x	$ 25	x		

Time of filing:

Candidate: Election expenses - within 60 days of return of writs of election.
Party: Election expenses - within 120 days of return of writs of election.

Contributions of over $250 from a single source in any year to be recorded and reported to CEO by official agents of party or candidate.

PUBLIC DISCLOSURE

By: CEO
How long records kept: 6 months
Manner of Disclosure: Public inspection

CONTROL MECHANISM

Name: CEO
Duties: receive reports x
investigate _
publicize reports x
refer violations to AG _
other prescribe forms and receipts

Composition:

AGENCY:

Candidate's agent: Official agent
Function: 1. File reports
2. Authorize expenditures

Party's agent: Official agent
Function: 1. File reports
2. Authorize expenditures

3. Submit returns
4. Issue receipts
5. Keep records (contributions)

3. Submit returns
4. Issue receipts
5. Keep records (contributions)

FUNDING PROVISIONS

Manner:	tax deduction	x
	tax credit	
	tax checkoff	
	reimbursement	x
	other	

Reimbursement:

Candidate

Minimum of 15% of vote required. Amount not exceeding 32¢ for each elector in district. Minimum payment - $750; Maximum payment - $1,500. Amount of 32¢ to be indexed to Consumer Price Index - 32¢ - 1983 base year.

Parties

Two or more seats in Legislature required. Annual allowance - amount obtained by multiplying no. of votes obtained in last general election x sum determined by Lieut. Gov. (not exceeding 25¢).

EXPENDITURE LIMITATIONS

Party: General election - expenses not to exceed $2 x total no. of electors in province.

Candidates:

General election - expenses not to exceed $1.25 x no. of electors in his electoral district, to a maximum of $12,000 (if no. of electors is less than 3,000 - maximum is $6,000).

Amounts of $2 and $1.25 to be adjusted in relation to Consumer Price Index (1983 base year).

CONTRIBUTION LIMITATIONS

Over $25	receipt to be given on request
Over $250-	single source within one year - contribution to be recorded and reported to CEO.

PENALTIES

Official agent: Files false return)
Exceeds maximum expenses allowed) - Corrupt practice
Candidate/party leader: Wilfully incurs unathorized expense)

Date: July, 1983.

REFERENCE

NAME: QUEBEC

Loi regissant le financement des partis politiques L.R.Q. 1977 CF-2 as amended
1977 c. 12
1978 c. 6 c.13 and c.15
1979 c. 37 c.56
1982 c.17 c.21 c.31 c.54 and c.62.

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x constituency association x
other parties

Forms: yes x
Audit: yes x

To: CEO __ Director General of Elections x
Secretary of State __

Registration: yes

Detail:

		name	address	amount	threshold amount	date	(1) (2) employer/purpose
1.	contribution	x	x	x	$100		
2.	expenditure			x	$ 25		

Time of filing:

Annual financial reports for the party and constituency associations to be submitted no later than April 1st covering the previous calendar year.

Candidates' reports - within 90 days of polling day.

Independent candidates -- a final report submitted by April 1st of year following final period in which contributions solicited after polling day.

PUBLIC DISCLOSURE

By: Director General
How long records kept:
Manner of disclosure:
- (1) Public inspection
- (2) Report to assembly
- (3) Publication of summaries

CONTROL MECHANISM

Name: The Director General of Elections

Duties: Authorize parties, associations and candidates
Receive reports
Investigate
Publicize reports
Issue guidelines and forms

Persona designata of the assembly

Institute proceedings regarding contraventions of the Act
May refuse to make or continue an inquiry when he considers that an application for an inquiry is frivolous, vexatious or unnecessary

AGENCY

Candidate's agent: Official Representative
Function:
1. Authorize expenditures
2. Receive contributions
3. Submit returns
4. Issue receipts
5. Keep records

Party's agent: Official Representative
Function: Same

Constituency Ass'n. agent: Official Representative
Function: Same

FUNDING PROVISIONS

Manner:		
	tax deduction	x
	tax credit	—
	tax checkoff	—
	reimbursement	x
	other	public funding

Section 776: The Taxation Act RSQ 1977, CI-3

The taxpayer can deduct from tax otherwise payable: 50% of first $100,
25% of second $100,
for maximum deduction of $75.

Reimbursement: To candidates receiving at least 20% of the vote,

> The director general shall reimburse an amount equal to 50% of the election expenses incurred and paid in conformity with this Act, or the amount of such expenses incurred and paid, up to 15¢ per listed elector, whichever is greater.
>
> The reimbursement is based on a maximum of 70¢ per elector in the majority of districts with exceptions for specified larger districts, for maximums of 90¢ or $1.25 per elector.

Public Funding:

> A sum equal to 25¢ x number of electors on the electoral list will be divided between the parties in proportion to the percentage of the valid votes obtained by them at the last general election. The allowance shall be paid at a rate of one-twelfth per month.

EXPENDITURE LIMITATIONS

1. Election expenses must be limited so as never to exceed for a party, during general elections, 25¢ per elector in the aggregate of the electoral divisions in which such party has official candidates.

2. The election expenses for each candidate must be limited so as never to exceed 70¢ per elector during a general election or 95¢ during a by-election.

3. For each candidate in the electoral divisions of Duplessis, Rouyn-Noranda-Temiscamingue, Saguenay and Ungava the maximum is increased by 20¢ per elector, and in the electoral division of Iles-de-la-Madeleine the maximum is increased by 55¢ per elector.

4. The official agent of an authorized party must not incur election expenses during by-elections.

CONTRIBUTION LIMITATIONS

Provisions:

1. Electors: $3,000/year out of his own property.
   Only electors may make contributions.*

2. Prohibition against:

   (i) anonymous contributions over $100
   (ii) cash contributions over $100

* Exception: News media may make air time or space freely available to parties on an equitable basis.

PENALTIES

1.	Violating contribution regulation provisions	-	Fine of not less than $1,000 nor more than $25,000
2.	Exceeding expenditure limitations, filing a false return or producing a false invoice	-	Corrupt practice - $100 to $10,000 fine, 1 month to 1 year imprisonment
3.	Failure to file	-	Disqualified from sitting in the National Assembly, $500 fine + costs for every day he sat or voted
4.	Other violations of the Act	-	$100 - $1,000, 6 months imprisonment

Date: July, 1983.

REFERENCE

NAME: SASKATCHEWAN

The Election Act, 1971, R.S.S. 1978
c.E-6 S.203-232 as amended to 1981.

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x association —
other party

To: CEO x Commission —
Secretary of State —

Forms: yes x sworn
Audit: yes x

Registration: yes x

Detail:

		name	address	amount	threshold amount	date	(1) employer/occupation	(2) purpose
1.	contribution	x	x	x	$100			
2.	expenditure	x	x	x	$ 25			x

Time of filing:

	before	after
primary		
general election		*

* Reports must be filed within 3 months for candidates, and six months for parties. Reports from broadcasters and publishers to be filed within 2 months.

Parties must file annual return within 4 months of end of fiscal period. Parties must register prior to receipt of contributions or making of expenditures.

Comments:

1. Total contributions received to be specified and broken down by class of donors.
2. Total proceeds from ticket sales and other fund-raising functions to be included in return.
3. All expenditures over $25 to be supported by a voucher or proof of payment.
4. Broadcasters and publishers to file reports detailing name and address of advertiser and the amount charged.

PUBLIC DISCLOSURE

By: C.E.O.
How long records kept: 6 months
Manner of disclosure: Publish summary in newspaper, Gazette - public inspection - C.E.O. report to legislature

CONTROL MECHANISM

Name: C.E.O.
Duties: receive reports x
investigate x
publicize reports x
refer violations to AG —
other register parties

AGENCY

Candidate's agent: Business manager
Function:
1. Incur and authorize expenditures
2. Receive contributions
3. Maintain records
4. File reports

Party's agent: Chief Official Agent
Function: Same

FUNDING PROVISIONS

Manner: tax deduction ___
tax credit ___
tax checkoff ___
reimbursement x
other ___

1. Parties endorsing candidates who received in the aggregate at least 15% of the vote are entitled to the lesser of:

Detail:
(a) the (C.P.I.) adjusted amount of $98,228.00 and
(b) 1/3 of expenses incurred by the parties (within the expenditure limits)

2. Candidates receiving at least 15% of the vote are entitled to 50% of the candidates expenses (within expenditure limits)

EXPENDITURE LIMITATIONS

Provisions:

1. By a party in a general election: expenses not to exceed an adjusted amount indexed in relation to the Consumer Price Index (C.P.I.) starting from a 1981 base figure of $327,425.

2. By candidates south of the dividing line: greater of following amounts adjusted in relation to C.P.I. starting from a 1981 base figure of $19,646 or $1.31 per elector.

3. By candidates north of the dividing line - a C.P.I. adjustment of the base 1981 figure of $26,194 or $2.62 per elector.

4. Total expenses for advertising incurred by a registered party and by a constituency association with funds provided by the party are not to exceed an adjusted amount (C.P.I.) starting from 1981 base figure of $98,228 per year.

5. Allowable expenditures specified.

CONTRIBUTION LIMITATIONS

Provisions:

1. Prohibition against:

    (a) Anonymous contributions exceeding $100

    (b) Contributions out of someone else's money unless an agent is used and the name of the principal is disclosed

    (c) Contributions from a person outside Canada

PENALTIES

1. Contravention of the Act - $5,000 fine, 6 months imprisonment

2. Contravention of the Act by a registered agent of a registered party - $5,000 fine

Date: July, 1983.

REFERENCE

NAME: **NORTHWEST TERRITORIES**

The Elections Ordinance 1978 c.3

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate _ committee _ other _

Forms: yes x

Audit: yes _

To: CEO x Commission _

Detail:

		name	address	amount	threshold amount	date	(1) employer/(2) purpose
1.	contribution	x		x	$100		
2.	expenditure			x	all		

Time of filing:

	before	after
primary		
general election		within 4 months

Comments:

All expenditures over $25 to be vouched for by receipts.

PUBLIC DISCLOSURE

By: Returning Officer/CEO

How long records kept: 6 months

Manner of disclosure: Public inspection

CONTROL MECHANISM

Name: Returning Officer/CEO

Duties:
- receive reports x
- investigate _
- publicize reports x
- refer violations to AG x
- other forms

AGENCY

Candidate's agent: Official agent

Function:
1. File reports
2. Authorize all expenditures

Committee's agent:

Function:

FUNDING PROVISIONS

Manner:
- tax deduction _
- tax credit _
- tax checkoff _
- reimbursement _
- other _

Detail:

EXPENDITURE LIMITATIONS

Provisions:	No limits All election expenses to be paid within 4 months.

Advertising Regulation:

1. All advertisements must be properly identified.

CONTRIBUTION LIMITATIONS

Provisions:	No limits

PENALTIES

1. Failure to file	- Illegal practice and contravention of the ordinance.
2. Knowingly filing a false report	- Corrupt practice and contravention of the ordinance.

Date: July, 1983.

REFERENCE NAME: **YUKON**

The Election Ordinance 1977
c.3 (C.E. 1.2 in the continuing
consolidation).

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate ___ committee ___ Forms: yes ___
other ___ Audit: yes ___

To: CEO ___ Commission ___

Detail:

	name	address	amount	threshold amount	date	(1) employer/	(2) purpose
1. contribution							
2. expenditure							

Time of filing:

	before	after
primary		
general election		

Comments:

PUBLIC DISCLOSURE

By:
How long records kept:
Manner of disclosure:

CONTROL MECHANISM

Name:
Duties: receive reports ___
investigate ___
publicize reports ___
refer violations to AG ___
other ___

AGENCY

Candidate's agent: Official agent
Function:

1. Authorize all expenditures

Committee's agent:
Function:

FUNDING PROVISIONS

Manner: tax deduction ___
tax credit ___
tax checkoff ___
reimbursement ___
other ___

Detail:

EXPENDITURE LIMITATIONS

Provisions: No Limits

Advertising Regulation:

1. All advertisements must be properly identified.

CONTRIBUTION LIMITATIONS

Provisions: No Limits

PENALTIES

Date: July, 1983.

REFERENCE

Federal Election Campaign Act of 1971, Titles 2 and 26, United States Code Annotated, as amended by P.L. 93-443 (1974), P.L. 94-283 (1976), P.L. 95-216 (1977) and P.L. 96-187 (1979).

NAME: **UNITED STATES**

ADDRESS: Federal Election Commission,
1325 K Street, N.W.,
Washington, D.C. 20463

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other ___

To: CEO ___ Commission x
Secretary of State ___

Forms: yes x
Audit: yes x

P.A.C. Regulation: yes x
Registration: yes x

Detail:

	name	address	amount	threshold amount	date	(1) employer/purpose (2)
1. contribution	x	x	x	$200		x
2. expenditure	x		x	$200	x	x

Time of filing:

	before	after
primary	12	30
general election	12	30

1. Candidate Committee Senate/House.
   Election year - (1) pre-election report
   (2) post election report
   (3) quarterly reports - filed no later than the 15th day, last quarter - except January report which may be filed January 31st.
   Non-election Years: bi-annual reports.

Comments:

2. Presidential Campaign Committee
   Election Year - monthly reports begin as soon as committee receives or expends $100,000.
   Non-election Years - either monthly or quarterly reports.

3. Other Political Committees
   May file either: (1) monthly reports in all calendar years or (2) bi-annual reports in non-election years and quarterly reports in election years with pre and post election reports.
   - organizations such as trade unions and corporations must report partisan communications made to their members at a cost of over $2,000.
   - individuals must report independent election expenditures over $250.

PUBLIC DISCLOSURE

By: Commission
How long records kept: 10 years; 5 years for House of Representatives
Manner of disclosure: Public inspection

CONTROL MECHANISM

Name: Federal Election Commission
Duties: receive reports x
investigate x
publicize reports ___
refer violations to AG x
other prescribe rules, forms

Composition: Secretary of the Senate, Clerk of the House of Representatives, plus six members appointed by the President with the advice and consent of the Senate (no more than three members from the same party).
The Commission has exclusive jurisdiction regarding civil enforcement of the Act.

AGENCY

Candidate's agent: Principal campaign committee

Function:

Committee's agent: Chairman, treasurer

Function:
1. Receive contributions
2. Authorize expenditures
3. Keep accounts and records
4. File reports

FUNDING PROVISIONS

Manner:
tax deduction ___
tax credit x
tax checkoff x
reimbursement ___
other ___

Detail:
1. Tax credit - $50, $100 for joint return
2. Tax checkoff - $1 to be paid over to Presidential Election Campaign Fund

See also addendum

EXPENDITURE LIMITATIONS

Provisions:

1. Presidential candidates (receiving funding)
   (a) $10,000,000/primary, no more than greater of 16¢ x voting population of the State or $200,000 in any one State.
   (b) $20,000,000/general election.
   Above amounts adjusted based on changes in the price index (100=1974).
   2. National committee: 2¢ x voting population of U.S., for any presidential candidate.
   3. National committee:
      (a) greater of 2¢ x voting population of state or $20,000 for U.S. Senator.
      (b) $10,000 for U.S. Representative.

4. Advertising regulations - see addendum.
5. An "independent expenditure" is one made for a communication which expressly advocates the election or defeat of a clearly identified candidate and which is not made with any direct or indirect cooperation, consent, request or suggestion or consultation involving a candidate or his/her authorized committee or agent. There is no limit on the amount or frequency of independent expenditures.

CONTRIBUTION LIMITATIONS

Provisions:

1. By individuals to:
   (a) any candidate or authorized committee - $1,000/election
   (b) political committees established and maintained by a national political party and not a candidate committee - $20,000/year.
   (c) any other political committee - $5,000/year.
2. By multicandidate political committees to:
   (a) any candidate or authorized committee - $5,000/election
   (b) political committees established and maintained by a national political party - $15,000/year
   (c) any other political committee - $5,000/year.
3. Total individual contribution not to exceed $25,000/year.
4. Limitations do not apply to transfers from political committees of the same party.
5. Prohibition against:
   (a) corporate and union contributions
   (b) contributions from foreign nationals
   (c) contributions in the name of another
   (d) cash contributions exceeding $100
   (e) government contractors

PENALTIES

1. Knowing and wilful violation of contribution or expenditure provisions where the amount in question is $2,000 or more - Fine of greater of $25,000 or 300% of amount in violation; 1 year imprisonment
2. Making contributions in the name of another or cash contributions greater than $100 - Same penalty as above, but only if amount in in violation is $250 or more
3. Three year limitation period

ADDENDUM

REFERENCE **NAME: UNITED STATES**

United States Code, Annotated, Title 26 - Internal Revenue Code, c.1A - Presidential Election Campaign Fund, Section 41, c.96--Presidential Primary Matching Payment Account.

PROVISIONS

I. Presidential Nominating Conventions

A. Source of Funds

Funds are appropriated to the Presidential Election Campaign Fund (PECF) in an amount equal to that designated by taxpayers using the income tax checkoff.

B. Eligibility

The national committee of each major and minor political party which has filed a registration statement with the Commission, for which the Commission has verified such statement and certified to the Secretary of the Treasury, is eligible for funding.

C. Entitlements

Major party -	up to $3 million, indexed to cost-of-living index (100=1974)
Minor party -	portion of above amount based on a ratio of votes received by the minor party candidate to the average number received by the major party candidates.

Expenditures for conventions are limited to the amount of the party entitlement.

D. Adjustments

Overpayments, excess expenditures, surplus contributions, and payments improperly used must be paid back to the Secretary of the Treasury. Repayments, however, are not to exceed the amount received from the Fund. Anyone receiving kickbacks or illegal payments concerning campaign expenses must pay 125% of the amount over to the Secretary.

II. Presidential Primaries

A. Source of Funds

The Presidential Primary Matching Payment Account is established within the PECF.

B. Eligibility

Presidential candidates must agree to certain record keeping and auditing requirements, expenditure and contribution limitations, and must have received contributions totalling at least $5,000 from each of 20 States, with no single contribution exceeding $250 from one person.

C. Entitlements

Eligible candidates will receive matching payments for each contribution of up to $250 received during the presidential election and the preceding years, the total not to exceed 50% of the candidate's expenditure limitations.

D. Adjustments

Overpayments and payments improperly used must be repaid to the Secretary of the Treasury. Amounts received from the Fund may be kept 6 months to extinguish obligations. Surplus funds after obligations eliminated to be repaid in the same ratio as payments from the Fund to total of all deposits made to the candidate's account. Persons receiving kickbacks or illegal payments concerning campaign expenses shall pay over 125% of the amount to the Secretary.

III. Presidential General Elections

A. Source of Funds

Funds appropriated to the PECF.

B. Eligibility

Candidates must agree in writing to certain record keeping, disclosure, and auditing procedures to adhere to the expenditure limitations, and to restrict private contributions to the difference between expenditure limit and the amount received from the Fund.

C. Entitlements

(a) Major party candidates - a sum equal to the candidate's expenditure limitation ($20 million indexed to cost-of-living index).

(b) Minor party candidates - an amount bearing the same ratio to the major party entitlement as the number of votes received in the last presidential election by the minor party candidate to the average of votes received by the major party candidates in that election.

(c) Other candidates, not of a major party, who were candidates themselves in the preceding presidential election and received between 5% and 25% of the vote are entitled to receive funds on the same basis as minor party candidates, for the candidate and his vice-presidential running mate.

(d) Minor or new party candidates who receive at least 5% of the votes cast are entitled, after the election, to payments in an amount bearing the same ratio to the major party candidate's entitlement as the number of votes received by the candidate to the average of votes received by the major party candidates.

D. Adjustments

See provision for presidential nominating conventions.

E. Advertising Regulation

1. All political advertisements must be properly identified.

2. Broadcast media rates are regulated to prevent excessive rates.

3. Excessive rates for newspaper or magazine advertising are prohibited.

Date: July, 1983.

REFERENCE

Code of Alabama, Election Law
Supplement (1979) Title 17 Elections,
c.22 - Corrupt Practices.

NAME: **ALABAMA**

ADDRESS: Secretary of State,
State Capitol,
Montgomery, Alabama. 36104

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate * committee x
other —

To: CEO — Commission —
Secretary of State x

Forms: yes x
Audit: yes x

P.A.C.Regulation: yes x

* candidate must file affidavit supporting committee's statement.

Detail:

	name	address	amount	threshold amount	date	(1) (2) employer/purpose
1. contribution	x		x	$10		
2. expenditure	x		x	$ 5		x

Time of filing:

	before	after
primary		15
general election		30

Comments:

Every political committee, including P.A.C.'s must file.

PUBLIC DISCLOSURE

By: Secretary of State
How long records kept:
Manner of disclosure: Public inspection

CONTROL MECHANISM

Name: Secretary of State
Duties: receive reports x
investigate —
publicize reports —
refer violations to AG —
other —

Composition:

AGENCY

Candidate's agent: One to five persons
*(committee)
Function: 1. Receive contributions
2. Authorize expenditures

Committee's agent: Treasurer
Function: 1. Keep accounts and records
2. File reports

* candidate may appoint self as finance committee.

FUNDING PROVISIONS

Manner: tax deduction —
tax credit —
tax checkoff —
reimbursement —
other

Detail:

EXPENDITURE LIMITATIONS

A. Campaign expenditures may be made for the following purposes only:

1. Candidate's travelling expenses while campaigning
2. Fee for qualifying
3. Stenographic work
4. Clerks at campaign headquarters to address, prepare and mail campaign literature
5. Telegrams, telephone, postage, freight and stationery
6. List of voters
7. Office rent
8. Newspaper and radio advertising
9. Preparation, printing and publication of posters, lithographs, banners, notices and literary material, reading matter, cards and pamphlets
10. Compensation of agents to supervise and to prepare and distribute such articles and advertisements
11. Renting of halls to address voters
12. Hiring of bands or musicians
13. Reasonable travelling expenses of agents, clerks and speakers

Any expenditure which does not fall within one of these 13 categories is declared to be a corrupt practice.*

B. Advertisements must be properly identified.

CONTRIBUTION LIMITATIONS

Provisions:

1. Individuals, political parties, labour unions, P.A.C.'s, other political committees may contribute unlimited amounts to individual campaigns.

2. Any corporation other than a public utility may contribute up to $500 to any one candidate, political party, or committee.

   - no limit on the number of $500 contributions a corporation may make in a single election.

PENALTIES

1. Violations of the Act - corrupt practice
misdemeanor, $500 fine
6 months imprisonment.

2. Failure to file report - candidate's certificate of election or nomination withheld - plus general penalty for violation of Act.

* An obvious omission is television, but it is assumed that this legislative omission would be allowed under the First Amendment of the U.S. Constitution.

Date: July, 1983.

REFERENCE:

Alaska Statutes 15.13
The Campaign Disclosure Law.

NAME: **ALASKA**

ADDRESS: Alaska Public Offices Commission,
610 C Street,
Anchorage, Alaska. 99501

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee __
other groups

Forms: yes x
Audits yes x

To: CEO __ Commission x
Secretary of State __

P.A.C. Regulation: yes x
Forms must be certified.

Detail:

	name	address	amount	threshold amount	date	(1) employer/ (2) purpose
1. contribution	x	x	x	$100/$250	x	occupation
2. expenditure				all	x	

Time of filing:

	before	after
primary	30, 7	10
general election	30, 7	10

December 31st of each year.

Comments:

- Contributions of over $250 received within 1 week of election must be reported within 24 hours.
- P.A.C.'s file same type of reports as required of candidates.
- Ongoing organizations file same type of reports as required of individuals and businesses, which includes a Statement of Contributions due 10 days after a contribution of $, goods or services with a value of over $250 is made.

PUBLIC DISCLOSURE

By: Commission
How long records kept:
Manner of disclosure:
1. Publish summary
2. Annual report to Assembly
3. Open to public inspection

CONTROL MECHANISM

Name: Alaska Public Offices Commission
Duties: receive reports x
investigate x
publicize reports x
refer violations to AG x
other complaints procedure

Composition:
4 bi-partisan members appointed by Governor; they appoint a fifth.

AGENCY

Candidate's agent: Campaign treasurer (req'd.)
Function: 1. File reports
2. Receive contributions
3. Authorize expenditures
4. Keep records

Group's agent: Campaign treasurer (req'd.)

FUNDING PROVISIONS

Manner:	tax deduction	x
	tax credit	x
	tax checkoff	x
	reimbursement	x
	other	

Detail: credit up to $100

EXPENDITURE LIMITATIONS

1. Campaign treasurer required to report all expenditures.

2. Statement of Expenditures must be filed by any person, organization or business disclosing any independent expenditure whatsoever.

3. Prior provisions re expenditure limitations were ruled unconstitutional following Buckley v Valeo.

CONTRIBUTION LIMITATIONS

Provisions:

- $1,000/year limit on contributions to a candidate for persons, trade unions, corporations, political committees.

- No limit on candidate's personal contribution and political parties.

- No limit on amount a person/group may contribute to a group not controlled by a candidate.

- All advertisements must be properly identified.

Prohibition against:

1. Contributions above $100 being in cash
2. Contributions made in the name of another
3. Anonymous contributions

PENALTIES

Violations - $5,000 fine, one year imprisonment

4 year limitation period

Date: July, 1983.

REFERENCE

Arizona Revised Statutes, (1982 Sp.Pamph.)
Title 16 Elections and Electors,
c.6 - Campaign Contributions and Expenses
Article I.

NAME: **ARIZONA**

ADDRESS: Secretary of State,
State Capitol,
Phoenix, Arizona. 85007

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other ___

Forms: yes x
Audit: yes x

To: CEO ___ Commission ___
Secretary of State x

P.A.C. Regulation: yes x
Forms must be sworn

Detail:

	name	address	amount	threshold amount	date	(1) (2) employer/purpose
1. contribution	x	x		$25		
2. expenditure				all*		

Time of filing:

	before	after
primary	10	20
general election	10	30

- Any association combined for the purpose of influencing the result of an election constitutes a campaign committee with recording/reporting requirements.
- Any surplus or deficit remaining from a previous campaign shall be reflected in the beginning balance of the statement filed prior to the election.
- Follow up statements, by subsequent April 1sts, must be filed by candidates or committees which receive contributions or make expenditures subsequent to the closing dates for post election reports.

Comments:

* by committee, only above $25

PUBLIC DISCLOSURE

By:
How long records kept:
Manner of disclosure: Public disclosure

CONTROL MECHANISM

Name: Ethics Commission
Duties: receive reports ___
investigate x
publicize reports ___
refer violations to AG x
other ___

Composition:

AGENCY

Candidate's agent: Names of all persons who will handle money and account for it.

Function:

Must be submitted with nomination petition.
Duties - keep account of money

Committee's agent: Chairman, Treasurer
Function: Treasurer to keep detailed account of receipts and disbursements.

Chairman or Treasurer to sign reports.

FUNDING PROVISIONS

Manner:	tax deduction	x
	tax credit	___
	tax checkoff	___
	reimbursement	___
	other	___

Detail: $100 deduction

EXPENDITURE LIMITATIONS

Provisions:

- All expenditures (other than candidates personal expenses) over $10 - evidenced by a receipt preserved for 15 months after election.
- Written communications to constituents prior to 60 days before election are exempted.

CONTRIBUTION LIMITATIONS

Contributions by corporations and trade unions prohibited.

PENALTIES

Knowingly failing to file or filing a false report

- Petty offence/misdemeanor
- Nominated candidate -- certificate of nomination withheld until complete filing
- If elected - may not hold office until complete filing

REFERENCE

Arkansas Statutes Ann. Section 3-1109 to 3-1118 as amended by Act 312 of 1977, Act 690 of 1981.

NAME: ARKANSAS

ADDRESS: Secretary of State,
Department of State,
Little Rock, Arkansas. 72201

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee ___
other ___

Forms: yes x must be sworn
Audit: yes ___

To: CEO ___ Commission ___
Secretary of State x and county clerk

P.A.C. Regulation: yes ___

Detail:

	name	address	amount	threshold amount	date	(1) employer/(2) purpose and/or place of business
1. contribution	x	x	x	*		
2. expenditure	x	x	x	$100		x

Time of filing:

	before	after
primary	25, 7	30
general election	25, 7	30

Comments:
- * $250 statewide
  $100 school district township, municipal or county

Unopposed candidate - files only one report within 30 days after election.

Opposed candidate - who has not received contributions in excess of $500 by due date of pre-election report, need not file until contributions over $500 received.

Opposed candidate in receipt of over $500 - must file (1) 25 day pre-election report
(2) 7 day pre-election report

All candidates file final post election reports within 30 days.
Supplemental reports, if necessary, to cover contributions received and expenditures made after final report.

PUBLIC DISCLOSURE

By: Secretary of State
How long records kept:
Manner of disclosure: Open to public inspection

CONTROL MECHANISMS

Name: Ethics Commission
Duties: receive reports
investigate ___
publicize reports ___
refer violations to AG ___
other personal financial disclosure by officals

Detail: Responsibility of enforcing the law is delegated to the Prosecuting Attorneys of the district in which the candidate resides

AGENCY

Candiate's agent: Self or representative
Function: Keep accurate records of all contributions and expenditures

Committee's agent:
Function:

FUNDING PROVISIONS

Manner: tax deduction x **Detail:** $25
tax credit ___
tax checkoff ___
reimbursement ___
other ___

EXPENDITURE LIMITATIONS

Provisions: Prohibition against expenditures above $50 being made in cash.

CONTRIBUTION LIMITATIONS

Provisions: $1000/election limit for:

1. individuals
2. corporations
3. trade unions
4. associations
5. political parties - with the exception that state political party may contribute up to $2,500 to its respective candidates' campaigns

No limits on candidate's personal funds

Prohibition against:

1. Contributions above $100 being in cash
2. Anonymous contributions above $50
3. Contributions made in the name of another

PENALTIES

Failure to comply with the Act - $1,000 and/or 1 year imprisonment

Date: July, 1983.

REFERENCE

Political Reform Act of 1974 as amended to January 1st, 1982. Government Code Title 9 Sections 81000 - 91014.

NAME: **CALIFORNIA**

ADDRESS: Secretary of State,
State Capitol,
Sacramento, California. 95814

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

To: CEO __ Commission __
Secretary of State x

Forms: yes x
Audit: yes x

P.A.C. Regulation: yes x

Detail:

	name	address	amount	threshold amount	date	(1) employer/purpose (2) and occupation
1. contribution	x	x	x	$100	x	x
2. expenditure	x	x	x	$100		

Time of filing:

	before	after
primary	40, 12	65
general election	40, 12	65

If election is held within 60 days of the primary, filing deadlines - 40, 12 days before primary, 12 days before general, 65 days after general.

Comments:

- Every candidate and committee receiving contributions or making expenditures over $500 must file quarterly and semi-annual reports.
- Statements of organization by committees 10 days after their formation
- Late contributions or expenditures, received/made after closing date of last pre-election statement must be reported within 48 hours.
- If a primarily non-political committee makes an independent expenditure of over $500 in calendar year - shall file independent expenditure report.

PUBLIC DISCLOSURE

By: Secretary of State
How long records kept: 4 years
Manner of disclosure: Open to public inspection

CONTROL MECHANISM

Name: Fair Political Practices Commission
Duties: receive reports
investigate x
publicize reports
refer violations to AG x
other prescribe forms, prepare manuals, provide assistance, levy fines up to $2,000.
- issue opinions regarding the operation of the Act.
- maintain central file of state election ordinances

Composition:
5 members, including Chairman
Governor appoints chairman and one additional member. Secretary of State, Attorney General, Controller, each appoint one member. No more than 3 members from the same political party
- 4 year terms.

AGENCY

Candidate's agent:
Function: On receipt of, or expenditure of over $500, the candidate is required to constitute a committee.

Committee's agent: Treasurer (req'd.)
Function:
1. Authorize expenditures
2. Receive contributions
3. Keep records
4. File reports

FUNDING PROVISIONS

Mannaer: tax deduction x
tax credit ___
tax checkoff ___
reimbursement ___
other ___

Detail: $100

EXPENDITURE LIMITATIONS

1. General limitations on expenditures repealed following Buckley v Valeo.
2. No expenditure of $100 or more shall be in cash.
3. Clear identification by the sender of a mass mailing required.

CONTRIBUTION LIMITATIONS

Provisions: no limits

Prohibition against:

1. Contributions above $100 being in cash
2. Contributions in the name of another
3. Anonymous contributions above $100

PENALTIES

1. Knowing or wilful violation - misdemeanor
2. In addition to other penalties provided by law, $10,000 fine or three times the illegal amount, whichever is greater
3. Two year limitation period

Date: July, 1983.

REFERENCE

Campaign Reform Act
C.R.S. 1973 as amended to January 1, 1982
Title I, Article 45

NAME: **COLORADO**

ADDRESS: Secretary of State,
State Capitol,
Denver, Colorado. 80203

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other ___

Forms: yes x
Audit: yes ___

To: CEO ___ Commission ___
Secretary of State x

P.A.C. Regulation: yes x

Detail:

	name	address	amount	threshold amount	date	(1) employer/(2) purpose
1. contribution	x	x	x	$25, $100*	x	
2. expenditure	x	x	x	$25	x	x

Time of filing:

	before	after
primary	11 days	30 days
general election	11 days	30 days

1. Supplemental campaign statements to be filed annually if ongoing balances or deficits exist - however, if balance/deficit is unchanged for entire calendar year - report not req'd.
2. Political committee must file statement of organization within 15 days of commencing political activity.
3. Treasurer of committee shall report within 48 hours any contribution of over $500 received within the 16 days preceding the election.
4. Any person who makes an independent expenditure exceeding $100 must file a statement of expenditure.

Comments:

- $25 contribution, $100 in kind contribution

PUBLIC DISCLOSURE

By: Secretary of State
How long records kept: One year, or term of office of elected official
Manner of disclosure: Public inspection

CONTROL MECHANISM

Name: Secretary of State
Duties: receive reports x
investigate ___
publicize reports ___
refer violations to AG x
other - prescribe forms
offer assistance
conduct hearings on reported violations of the Act.

Composition:
NOTE: Electors may file written complaints. The District Attorney or Attorney-General must prosecute.
Personal financial disclosures by candidates, within 10 days of filing to run.

AGENCY

Candidate's agent: Campaign treasurer
Function: File reports

Committee's agent: Campaign treasurer
Function: File reports

FUNDING PROVISIONS

Manner:
- tax deduction _
- tax credit _
- tax checkoff _
- reimbursement _
- other _

Detail:

EXPENDITURE LIMITATIONS

Provisions: No limits

1. Expenditures above $100 must be made by cheque.

Advertising:

1. Rates charged may not exceed usual commercial rates.
2. Advertisements must be clearly identified as to sponsor.

CONTRIBUTION LIMITATIONS

Provisions: No limits

- Contributions over $100 may not be in cash
- No agency, department or any political subdivision of the State shall contribute to campaigns regarding the election of a person to public office.

PENALTIES

Violation of Act	- Misdemeanor - Candidate in violation loses right to assume nomination or office
Delay in filing	- $10/day

REFERENCE
District of Columbia Code, 1981 ed.
- as amended to March 1982 C.14
Election Campaigns, Lobbying, Conflict of Interest - Section 1-1401 to 1473.

NAME: **DISTRICT OF COLUMBIA**

ADDRESS: Board of Elections,
District Building,
Washington, D.C. 20004

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

To: CEO __ Director x
Secretary of State __

Forms: yes x sworn
Audit: yes x

P.A.C. Regulations: yes x

Detail:

	name	address	amount	threshold amount	date	(1) (2) employer/purpose
1. contribution	x	x	x	$50	x	x
2. expenditure	x	x	x	$10	x	x

Time of filing:

	before	after
primary	8	
general election	8	

Also 10th of March, June, August, October & December of an election year; 31st January of each year; and 31st July of each non-election year.

Comments:
Contributors above $50 also required to file statement.
Quarterly reports of contributions and expenditures to be filed as set forth by the D.C. Board of Ethics and Elections.
Political committees to file statements of organization within 10 days of organization.
Contributions of over $200 received after closing date of last pre-election report to be reported within 24 hours of receipt.

PUBLIC DISCLOSURE

By: Director of Campaign Finance
How long records kept:
Manner of disclosure: Public inspection

CONTROL MECHANISM

Director of Campaign Finance
Duties: receive reports x
investigate x
publicize reports __
refer violations to AG x*
other hold informal hearings
prescribe forms

* through Board

D. of C. Board of Elections and Ethics
- makes regulations regarding elections
- gives advisory opinions
- initiates and maintains civil actions

NOTE:
Director performs administrative functions.
Director's office is established within the Board - appointed by mayor - 4 year term.
- personal financial disclosure requirements for candidates.

AGENCY

Candidate's agent: Principal campaign committee
Function:

Committee's agent: Treasurer
Function:
1. Reporting
2. Receiving contributions
3. Authorizing expenditures
4. Record keeping

FUNDING PROVISIONS

Manner: tax deduction ___
tax credit x
tax checkoff ___
reimbursement ___
other ___

Detail: $25, $50 for a joint return

EXPENDITURE LIMITATIONS

1. All expenditures (other than petty cash) must be authorized and made by cheque.
2. All newspapers, magazines, posters, handbills, other printed material to bear words "paid for by..."
3. Each political committee and candidate shall include on the face or front page of all literature and advertisement soliciting funds the following notice: "A copy of our report is filed with the Director of Campaign Finance of the District of Columbia Board of Elections and Ethics".

CONTRIBUTION LIMITATIONS

Provisions:

1. By individuals -- maximum $4,000 of which no more than $2,000 may be to a candidate for Mayor
2. Corporations, unions, associations - maximum $4,000 of which no more than $2,000 may be to a candidate for Mayor
3. Prohibition against
   (a) cash contributions of $50 or more
   (b) contributions in the name of another

NOTE: Independent expenditures not subject to limitation

PENALTIES

1. Wilful filing of a false report	- $10,000 fine, 5 years imprisonment
2. Violations of other provisions	- $ 5,000 fine, 6 months imprisonment
3. Non-compliance with disclosure provisions	- civil offence - $ 50/day not to exceed $500

REFERENCE

Connecticut General Statutes, Annotated (1975)
Title 9 - Elections, c.150 - Corrupt Practices, S.9 - 333 to 9 - 348aa as amended to 1983.

NAME: **CONNECTICUT**

ADDRESS: Secretary of State,
State Capitol,
Hartford, Connecticut. 06115

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

To: CEO __ Commission __
Secretary of State x

Forms: yes x sworn
Audit: yes x

P.A.C. Regulation: yes x

Detail:

	name	address	amount	threshold amount	date	(1) (2) employer/purpose
1. contribution	x	x	x	$30		
2. expenditure	x	x	x	all		x

Time of filing:

	before	after
primary	7	30* 45
general election	7	45

* candidate only

Comments:

Also, second Thursday of January, April, July, October -- surplus of candidate or non-ongoing committee must be distributed within 90 days after election and final report made.
Deficit--supplementary report 90 days after election required and thereafter report within 30 days of any increase or decrease of deficit.

Any individual may, independent of any other person, make unlimited expenditures for the benefit of any candidate's campaign for election, or nomination, provided any individual who makes an expenditure or expenditures in excess of five hundred dollars for the purpose of a single primary or election to aid or promote the success or defeat of any party or any one or more candidates for public office shall file all designations and sworn financial statements required to be filed by a political committee.

A statement of organization is required within 10 days of the organization of a political committee.

Candidates or committees spending less than $500 are exempt from reporting requirements.

PUBLIC DISCLOSURE

By: Secretary of State
How long records kept: 5 years
Manner of disclosure: Public inspection

CONTROL MECHANISM

Name: State Elections Commission
Duties: receive reports ___
investigate x
publicize reports ___
refer violations to AG x
other adopt rules and regulations
give advisory opinions

Personal financial disclosure req'd. of candidates.

AGENCY

Candidate's agent: Principal campaign Treasurer*
Function:
1. Receive contributions
2. Authorize expenditures
3. Keep accounts and records
4. File reports

Committee's agent: Campaign Treasurer
Function: Same

* The formation of a candidate committee by a candidate for a particular public office, shall not be required in the case where all of the following conditions exist:

(1) Such candidate is one of a slate of candidates whose campaigns are funded solely by a party committee or a political committee formed for a single election or primary;
(2) no contributions are accepted by such party committee specifically designated for use on behalf of such candidate; and
(3) expenditures made on behalf of each such candidate's campaign do not exceed five hundred dollars and are reported by the committee sponsoring his candidacy.

FUNDING PROVISIONS

Manner: tax deduction ___
tax credit ___
tax checkoff ___
reimbursement ___
other ___

Detail:

EXPENDITURE LIMITATIONS

Provisions:

1. All expenditures must be made by cheque, but a petty cash fund under $100 may be established.

* -- exception allowed also for payment of out-of-pocket expense of campaign workers by treasurer.

2. All expenditures must be authorized in writing by the campaign treasurer or principal campaign treasurer.
3. All advertising to be properly identified.

CONTRIBUTION LIMITATIONS

Provisions:

1. By individual to candidates for:
   - (a) Governor - $2,500
   - (b) Lt.Gov., Sec. of State - $1,500
   - (c) State Senate - $500
   - (d) State Representative - $250

   Total contributions limited to $15,000/ election
2. By individuals to:
   - (a) Corporate P.A.C. - $1,000
   - (b) P.A.C. established by individuals - $1,000
   - (c) State central committee - $5,000
3. By Organizational Political Committees to:
   - (a) State Central Committee - $5,000 Continuing Political Committee - $2,000
4. By Ongoing Political Committee
   - (a) General limitation to $2,000 for other political committees.

     Exceptions:

     Candidate committee - unlimited
     Party committee - unlimited
     National committee of party - unlimited
     Committee for out-of-state candidate - unlimited
     Political committee formed "to test the waters" - $250
5. Prohibition against:
   - (a) Corporate or union contributions other than through P.A.C. activity.
   - (b) Anonymous contributions above $15.
   - (c) Cash contributions above $50.
   - (d) Contributions in the name of another.

PENALTIES

1. **Late filing - $50 fee.**
2. **Late filing over 7 days - $1,000 fine, 1 year imprisonment.**
3. **General violations of Act - $1,000 fine, 1 year imprisonment.**

Date: July, 1983.

REFERENCE

Delaware Code Annotated, Revised 1974 as amended to May, 1983. Title 15 Part VI - Election Campaigns c.80 Campaign Contributions & Expenditures sections 8001-8013

NAME: **DELAWARE**

ADDRESS: Commissioner of Elections,
101 Court Street.
Dover, Delaware. 19901

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other ___

To: CEO ___ Commission x
Secretary of State ___

Forms: yes x sworn
Audit: yes ___

P.A.C. Regulation: yes x

Detail:

	name	address	amount	threshold amount	date	(1) employer/	(2) purpose
1. contribution	x	x	x	$100	x		
2. expenditure	x	x	x	$100	x	x	

Time of filing:

	before	after
primary		
general election		

20 days before election* and by Dec. 31st of year following election
Subsequent to election until fund is closed - Dec. 31st and each year thereafter.

Comments:

Certification of Superior Court that reports have been filed required before candidate gets certificate of election.

* both primary and general

PUBLIC DISCLOSURE

By: Commission
How long records kept: One year
Manner of disclosure: Open to public inspection

CONTROL MECHANISM

Name: State Election Commission
Duties: receive reports x
investigate ___
publicize reports ___
refer violations to AG ___
other prescribe forms

NOTE:
Personal financial disclosure required of candidates.

AGENCY

Candidate's agent: Treasurer (optional)
Function: Assist candidate in keeping records and filing reports.

Committee's agent: Treasurer (req'd.)
Function: Reporting

FUNDING PROVISIONS

Manner: tax deduction ___
tax credit ___
tax checkoff ___
reimbursement ___
other ___

Detail:

EXPENDITURE LIMITATIONS

- no limits
- advertising to carry "paid for by..."

CONTRIBUTION LIMITATIONS

Provisions:

By: 1. Individuals, corporations, unions
- to both candidate and committee statewide: $1,000
- to both candidate and committee senate, rep: $500

2. Candidate and family: $5,000

Prohibition against:

1. Contributions above $50 being in cash
2. Contributions in name of another
3. Anonymous contributions

PENALTIES

1.	Exceeding contribution limits, accepting excess contributions	- Class B misdemeanor
2.	Exceeding expenditure limits	- Two to ten times the excess is assessed as a fine
3.	Knowingly failing to file or filing a false report	- Class B misdemeanor

Date: July, 1983.

NAME: **FLORIDA**

ADDRESS: Division of Elections,
Department of State,
Room 1801, The Capitol,
Tallahassee, Florida. 32304

REFERENCE

Florida Election Code, c.106 of Florida Statutes Annotated, as amended to March, 1983.

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other parties

To: CEO __ Commission x
Secretary of State __

Forms: yes x
Audit: yes x

P.A.C. Regulation: yes x

Detail:

	name	address	amount	threshold amount	date	(1) employer/purpose (2) and occupation
1. contribution	x	x	x	$100**	x	x
2. expenditure	x	x	x	all @		

Time of filing:

	before	after
primary	see addendum	
general election		

Comments:

** if under $100, occupation and employer not required.
@ expenditures from petty cash need not be itemized.

Persons making independent expenditures, with respect to a candidate, of $100 or more must file a separate report.

PUBLIC DISCLOSURE

By: Division of Elections
How long records kept: 10 years
Manner of disclosure: Public inspection
Annual reports to legislature

CONTROL MECHANISM

Name: Division of Elections
Duties: receive reports x
investigate x
publicize reports x
refer violations to AG *
other prescribe rules,

* Refers findings of investigations to Florida Election Commission

Florida Election Commission:
Composition - 7 members appointed by the Governor with approval of three members of the Cabinet and subject to confirmation from the Senate. No more than 4 members from the same party - 4 year terms - evaluates violations reported by Division of Elections, refers to State Attorney - gives advisory opinions

NOTE: **Personal financial disclosure req'd. of candidates**

AGENCY

Candidate's agent: Campaign treasurer (req'd.)
Function:
1. **Receive contributions**
2. **Authorize expenditures**
3. **Keep accounts and records**
4. **File reports**

Committee's agent: Campaign treasurer (req'd.)
Function: same

FUNDING PROVISIONS

Detail:

Manner: tax deduction —
tax credit —
tax checkoff —
reimbursement —
other —

EXPENDITURE LIMITATIONS

1. All advertising, including that which is purchased as an independent expenditure, must be clearly identified.

2. Rates and charges for advertising must not exceed normal commercial rates.

CONTRIBUTION LIMITATIONS

Provisions:

1. By individuals and political committees to
   - (a) Statewide candidates - $3,000/election
   - (b) Statewide committees - $3,000/election
   - (c) Non-statewide candidates - $1,000/election
   - (d) Non-statewide committees - $1,000/election

Limits do not apply to contributions by an executive committee of a political party or by a candidate for his own campaign.

-- Corporate and union contributions permitted, subject to the same limitations.

2. Prohibition against
   - (a) Anonymous contributions
   - (b) Contributions in the name of another
   - (c) Cash contributions above $100

3. Contributions received 5 days before an election must be returned to donors.

PENALTIES

NOTE: Commission may impose civil penalties up to $1,000 fine for violations of the Act.

Wilfully and knowingly filing a false report	-- 1st degree misdemeanor
Wilfully and knowingly violating contribution limitations	-- By persons - misdemeanor -- By business entities - $1,000 to $10,000 fine, possible revocation of charter -- Penalty of twice the amount in violation in addition to above
Generally, wilful violations of the Act	-- 1st degree misdemeanor

ADDENDUM: Time of Filing

(1) **Pre-election reports:**

- (a) First Friday of each calendar quarter from the time the campaign treasurer is appointed.
- (b) Following the last day of qualifying for office.
- (c) On the Friday preceding the general election, for a candidate who is unopposed in seeking nomination and election to any office.
- (d) On the first, third, and fifth Fridays of each month and the Friday immediately preceding the election, for a candidate who is opposed in seeking nomination or election to any office, for a political committee, or for a committee of continuous existence.

Any opposed primary candidate filing reports pursuant to subparagraph (d) who is unopposed in the general election need only file on the Friday immediately preceding the general election.

In the event that a special election is called for which there is no qualifying period, reports required pursuant to subparagraph (d) shall be filed following the 49th day prior to the election. If a special election is called and is scheduled to be held fewer than 49 days from its calling, reports filed pursuant to subparagraph (d) shall be required beginning upon the calling of such election.

Reports by political parties:

The state executive committee and each county executive committee of each political party shall file regular reports of all contributions received and all expenditures made by such committee. Such reports shall contain the same information as do reports required of candidates and shall be filed on the first Friday of each calendar quarter, except that, during the period from the last day for candidate qualifying until the general election, such reports shall be filed on the Friday immediately preceding the first primary election, the second primary election, and the general election.

Date: July, 1983.

REFERENCE

Campaign and Financial Disclosure Act,
Ga. Laws 1974, pp.155-162 (Act No. 803)
as amended to 1981.

NAME: **GEORGIA**

ADDRESS: Secretary of State,
110 State Capitol,
Atlanta, Georgia. 30334

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

To: CEO __ Commission __
Secretary of State x

Forms: yes x
Audit: yes __

P.A.C. Regulation: yes x

Detail:

	name	address	amount	threshold amount	date	(1) (2) employer/purpose
1. contribution	x	x	x	$101		
2. expenditure	x	x	x	$101		x

Time of filing:

	before	after
primary	45, 15	10
general election	15	Dec.31

If a candidate has no opposition and receives no contribution of $101 or more, only required to file initial and final reports.

Comments:

1. Supplemental reports to be filed by Dec. 31 of year following election if contributions received or expenditures made.
2. If an advance, loan, or extension of credit is made, must disclose particulars.
3. In the event a candidate receives any contributions or makes any expenditures in a personal capacity rather than directing such contributions and expenditures to and by his campaign committee, then such candidate must keep the records and make the reports.
4. Any person* which accepts contributions for, makes contributions to, or makes expenditures on behalf of candidates is subject to the disclosure requirements of this Act the same as a candidate, except contributions from individuals made directly to a candidate or his campaign committee do not require separate reporting, and except contributions from persons which do not exceed $500 in the aggregate or which are made to only one candidate, regardless of the amount, do not require separate reporting.

* "Person" means an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

PUBLIC DISCLOSURE

By: Secretary of State
How long records kept: 5 years
Manner of disclosure:
Open to public inspection
Annual report to legislature

CONTROL MECHANISM

Name: State Campaign and Financial Disclosure Commission
Duties: receive reports ___
investigate x
publicize reports x
refer violations to AG *
other complaints procedure
formulate rules and regs.,
forms

* Institute and prosecute actions in Superior Court in its own name

Composition:
5 members, one appointed by each of L. Governor, Secretary of State, Speaker of the House, and two members from different parties by the Governor.

NOTE: The Secretary of State receives reports, and performs a "ministerial" function for the Commission.

AGENCY

Candidate's agent: Committee (not req'd.)
Function: 1. Handle records
2. File reports
3. Receive contributions

Committee's agent: Chairman & Treasurer (req'd.)
Function: same

FUNDING PROVISIONS

Manner: tax deduction ___
tax credit ___
tax checkoff ___
reimbursement ___
other ___

Detail:

EXPENDITURE LIMITATIONS

Provisions: No limits

CONTRIBUTION LIMITATIONS

Provisions:

Prohibition against anonymous contributions
" against contributions on behalf of a public utility
" against contributions in the name of another

PENALTIES

Violations of Act (wilful) -- First offence - misdemeanor; subsequent offences - felony subject to minimum 1 year, maximum 5 years imprisonment and/or a fine up to $5,000.

-- Commission may impose civil penalty up to $100 for failure to file.

Date: July, 1983.

REFERENCE

Hawaii Revised Statutes as amended to August, 1982 c.11, Part XII Expenses Subpart B Election Campaign Contributions & Expenditures.

NAME: **HAWAII**

ADDRESS: Campaign Spending Commission,
Room 436, State Capitol,
Honolulu, Hawaii. 96813

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

To: CEO __ Commission x
Secretary of State __

Forms: yes x
Audit: yes __

P.A.C. Regulation: yes x

Detail:

	name	address	amount	threshold amount	date	(1) (2) employer/purpose
1. contribution	x	x	x	$100	x	x
2. expenditure	x	x	x	all	x	x

Time of filing:

	before	after
primary	10	20
general election	10	30

Supplemental reports:

(1) if there is a deficit, must be filed every 6 months until the deficit is eliminated, the first report to be filed by the thirtieth day after the last day of the election year.

(2) If there is a surplus, every six months until candidate runs again, or party/committee again participate in an election.

Comments:

Statements of organization required from candidates, parties and committees within 10 days of receiving total contributions of $100.

PUBLIC DISCLOSURE

By: Lieutenant-Governor
How long records kept: 5 years
Manner of disclosure: Public inspection

CONTROL MECHANISM

Name: Campaign Spending Commission
Duties: receive reports x
investigate x
publicize reports __
refer violations to AG x
other - prescribe rules
- receive complaints
- administer and monitor the distribution of public funds

Composition:
Five members appointed by Governor; two from each of the two parties who polled the largest vote in the last election, and one chairman

AGENCY:

Candidate's agent:
1. Campaign Treasurer (req'd.)
   Candidate may appoint self.

Function:
- (a) Receive contributions
- (b) Authorize expenditures
- (c) File reports

2. Designated Central Committee
   Required of candidate supported by more than one committee.

Function:
Aggregating total contributions and expenditures of all committees directly associated with candidate and reporting aggregates.

Committee's agent: Campaign Treasurer (req'd.)
Function: Same

FUNDING PROVISIONS

Manner:	tax deduction	x
	tax credit	
	tax checkoff	x
	reimbursement	
	other public funding - see addenda	

Detail: $100 maximum,
$200 for a joint return.

EXPENDITURE LIMITATIONS

Total expenditures for candidates volunteering to limit their expenditures thus qualifying for public funding:

1. For the office of governor--$1.25/elector
2. For the office of lieutenant-governor - 70 cents/elector
3. For the office of mayor - $1/elector
4. For the offices of state senator, state representative, county council member and prosecuting attorney--70 cents/elector
5. For the offices of the board of education and all other offices - 10 cents/elector

-- to be escalated by 10% per year, base year 1979.

ADVERTISING

1. The financing by any person or political party of the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written or other campaign materials prepared by the candidate, the candidate's political committee or committees, or agents shall be considered to be a contribution to such candidate.

2. (a) All advertisements shall contain the name and address of the candidate, committee, party, or person paying for the advertisement.
   (b) No person shall cause or submit any advertisement in support of a candidate or against a candidate's opponent, to be published, broadcast, televised or otherwise circulated and distributed except under the following conditions:

      (1) The advertisement shall contain a notice in a prominent location that the literature or advertisement is published, broadcast, televised, or circulated with the approval and authority of the candidate, provided

that in the event that the literature or advertisement is paid for by a candidate or committee directly associated with a candidate, the notice of approval and authority need not be included; or

(2) The advertisement shall contain a notice in a prominent location that the literature or advertisement is published broadcast, televised, or circulated without the approval and authority of the candidate.

CONTRIBUTION LIMITATIONS

No entity other than a political party may contribute over $2,000.
Candidate/immediate family exempt from above, but limited to $50,000 in aggregate in an election year.

Anonymous contributions are unlawful. Prohibition does not apply to contributions under $250 given anonymously by groups of 10 or more people at the same event.

Cash contributions over $250 prohibited unless a receipt is issued and a record kept of the transaction.

Prohibition against contributions in the name of another.

No political party shall make contributions to a candidate in any calendar year in an aggregate amount greater than the following percentages of the expenditure limit for each respective office:

1. For the office of governor- 20 percent of the expenditure limit;
2. For the office of lieutenant-governor - 20 percent of the expenditure limit;
3. For the offices of mayor and prosecuting attorney - 20 percent of the expenditure limit;
4. For the offices of state senator and county council member - 30 percent of the expenditure limit;
5. For the office of state representative - 40 percent of the expenditure limit;
6. For the offices of the board of education and all other offices - 40 percent of the expenditure limit.

PENALTIES

Violation of the Act	- Natural person - petty misdemeanor. - If a corporation, organization, association, or labor union, it shall be punished by a fine not exceeding $1,000; and - Whenever a corporation, organization, association, or labor union violates this subpart, the violation shall be deemed to be also that of the individual directors, officers, or agents of the corporation, organization, association, or labor union, who have knowingly authorized, ordered, or done any of the acts constituting the violation. - Statute of Limitations - 2 years.

ADDENDA: PUBLIC FUNDING

Source: Hawaii Election Campaign Fund
Within State treasury
From tax checkoff and general
revenue fund

To qualify:

Candidate must voluntarily limit his campaign expenditures and shall be in receipt of the following sum of qualifying campaign contribution for his respective office:

1. For the office of governor - qualifying contributions which in the aggregate exceed $25,000;
2. For the office of lieutenant-governor - qualifying contributions which in the aggregate exceed $20,000;
3. For the office of mayor in a county having more than 100,000 registered voters - qualifying contributions which in the aggregate exceed $15,000;
4. For the office of mayor in a county having less than 100,000 registered voters - qualifying contributions which in the aggregate exceed $2,000;
5. For all other offices - qualifying contributions which in the aggregate exceed $500.

Maximum Amount of Public Funds available:

Funds for candidates for governor, lieutenant-governor, mayor -- shall not exceed 20 percent of total expenditure limit established for office.

Date: July, 1983.

REFERENCE

The Sunshine Law for Political Funds
and Lobbyist Activity Disclosure,
Title 67, c.66, as amended 1983 Supp.

NAME: IDAHO

ADDRESS: Secretary of State,
State House,
Boise, Idaho. 83720

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

Forms: yes x
Audit: yes __

To: CEO __ Commission __
Secretary of State x

P.A.C. Regulation: yes x

Detail:

	name	address	amount	threshold amount	date	(1) (2) employer/purpose
1. contribution	x	x	x	$50		
2. expenditure	x	x	x	$25*	x	x

* Report expenditures under $25 by category only.

Time of filing:

	before	after
primary	7	30
general	7	30

Quarterly reports required in election years only.
Annual reports due January 31st.

Comments:.

- Advertisers must keep records available to public of amounts paid and obligations incurred by candidates/political committees.
- Any individual who spends over $50 in support or opposition of an issue, candidate or committee must file a report within 30 days of election.

Political Committees

-- If specifically designated to support a state candidate or ballot issue - must report (includes candidate's election committees)
- If not specifically designated, but has received/expended over $500 for election purposes -- must report

PUBLIC DISCLOSURE

By: Secretary of State
How long records kept:
Manner of disclosure:
Open to public inspection

CONTROL MECHANISM

Name: Secretary of State
Duties: receive reports x
investigate x
publicize reports __
refer violations to AG x

other prescribe rules & regs., forms

NOTE: Elector may file complaint with Secretary of State
Secretary of State required to inspect all reports to determine conformity to law within 3 months.

AGENCY

Candidate's agent: *Treasurer (req'd.)
Function:
1. Keep accounts
2. File reports
3. Receive contributions
4. Authorize expenditures

* candidate may appoint self

Committee's agent: Treasurer (req'd.)
Function: Same

FUNDING PROVISIONS

Manner:

tax deduction	x
tax credit	x
tax checkoff	x
reimbursement	—
other	—

Detail:
Half of political contribution up to $5;
$1 checkoff to political parties.
Each party receives the funds in its earmarked account. Funds from the general account as follows:
90% to all parties in proportion to votes received in last gubernatorial election, no party to receive more than ½ this amount.
Remaining 10% to be distributed equally to all major, minor and new parties which have qualified to have candidates in the next general election.

EXPENDITURE LIMITATIONS

Provisions: No limits

All expenditures must be made through candidate or authorized agents

Advertising must be clearly identified.

Candidates must report expenditures of personal funds

CONTRIBUTION LIMITATIONS

Provisions: No limits

Prohibition against:

1. Anonymous contributions
2. Contributions in the name of another designed to conceal the true source

PENALTIES

Violation of Act by:

1. Individuals	- $250 fine, up to 6 months imprisonment
2. Others	- $2,500 fine
3. Late filing	- $10/day

Two year limitation period

Date: July, 1983.

REFERENCE

Smith-Hurd Illinois Annotated Statutes, (1965) c. 46, Art.9 - Disclosure of Campaign Contributions and Expenditures, added by Public Act 78-1183 (1974).

NAME: **ILLINOIS**

ADDRESS: State Board of Elections,
1020 South Spring Street,
Springfield, Illinois. 62704

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

To: CEO __ Commission x
Secretary of State __

Forms: yes x
Audit: yes __

P.A.C. Regulation: x

Detail:

	name	address	amount	threshold amount	date	(1) (2) employer/purpose
1. contribution	x	x	x	$150	x	
2. expenditure	x	x	x	$150	x	x

Time of filing:

	before	after
primary	15*	90*
general election	15*	90*

* campaign contribution reports only.

Annual reports of campaign contributions and expenditures are due July 31st of each year.

Every contribution of $500 or over received between the due date of the pre-election report, and the election must be reported within 2 business days.

Comments:
The Treasurer must keep detailed accounts of all expenditures above $20.
A group or individual becomes a political committee with reporting responsibilities when
1. over $1,000 is spent on local election candidates or issues, or
2. over $3,000 is spent on statewide candidates or election issues

- A statement of organization is required of committees within 30 days of formation.

PUBLIC DISCLOSURE

By: Board
How long records kept: 2 years
Manner of disclosure: Public inspection

NOTE: Board advises political committees of the name, occupation and address of all who examine their reports.

CONTROL MECHANISM

Name: State Board of Elections
Duties: receive reports x
investigate x
publicize reports __
refer violations to AG x
other prescribe rules, forms

- Electors may file complaints re contraventions of the Act with Board.
  Board has authority to hold preliminary hearings.
- Personal financial disclosure required of candidates.

AGENCY

Candidate's agent:	Treasurer/ Chairman* (req'd.)	Committee's agent:	Same
Function:	1. Receive contributions 2. Authorize expenditures 3. Keep records and accounts 4. File reports	Function:	Same

* candidate may appoint self.

NOTE: 3 and 4 by Treasurer only.

FUNDING PROVISIONS

Manner:
- tax deduction __
- tax credit __
- tax checkoff __
- reimbursement __
- other __

Detail:

EXPENDITURE LIMITATIONS

Provisions: No limits

1. No expenditures without proper authorization.

Advertising:

1. All advertisements must be properly identified.
2. Any committee receiving contributions/ making expenditures on behalf of a candidate, without his/her authorization, shall include notice in the publication/ broadcast that the committee is not authorized.

CONTRIBUTION LIMITATIONS

Provisions: No limits

1. Prohibition against
   - (a) Contributions in the name of another.
   - (b) Anonymous contributions.

PENALTIES

1. Wilful failure to file or wilful filing of a false report - Class B misdemeanor
2. Board may impose Civil Penalties - Up to $1,000.

Statute of Limitation: 18 months

Date: July, 1983.

REFERENCE

Indiana Code C.3 article 4 as amended to 1983.

NAME: **INDIANA**

ADDRESS: Secretary of State,
State House,
Indianapolis, Indiana. 46204

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

Forms: yes x
Audit: yes __

To: CEO __ Commission x
Secretary of State __

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) (2) employer/purpose
1.	contribution	x	x	x	$100.01		
2.	expenditure	x	x	x	$100.01		x

Time of filing:

	before	after
primary	8	
general election	8	

Annual reports to be filed each January 15th.

Comments:

Organizational reports required within 10 days of formation.

All $ transfers between committees to be itemized.

PUBLIC DISCLOSURE

By: State Election Board
How long records kept: 3 years
Manner of disclosure:
1. Public inspection
2. Annual report

CONTROL MECHANISM

Name: State Election Board
Duties: receive reports x
investigate x
publicize reports x
refer violations to AG x
other prescribe rules, forms

Personal financial disclosure required of candidates.

AGENCY

Candidate's agent: Principal Political Committee
Function:

Committee's agent: Treasurer
Function: 1. Receive contributions
2. Authorize expenditures
3. Keep records and accounts
4. File reports

FUNDING PROVISIONS

Manner:		Detail:
tax deduction	___	
tax credit	___	
tax checkoff	___	
reimbursement	___	
other	___	

EXPENDITURE LIMITATIONS

Provisions: No limits

Advertising:

1. All advertisements must be properly identified as to source.

2. All literature and advertisements soliciting funds must include a notice indicating where the financial reports are filed.

CONTRIBUTION LIMITATIONS

Provisions: No limits

Corporate and union contributions are limited as follows:

(a) $5,000/year total to all statewide offices
(b) $5,000/year total to all state central committees
(c) $2,000/year total to all non-statewide offices
(d) $2,000/year total to all other political committees

Prohibitions:

Against contributions in the name of another

Against anonymous contributions

PENALTIES

1. Wilful failure to file or wilful filing of a false report - Class D felony

2. Failure to file after receiving notice - Class A misdemeanor

3. All other violations - Class B misdemeanor

REFERENCE:

Campaign Disclosure - Income Tax Check-off Act, c.56, Code of Iowa, 1977, as amended to 1983.

NAME: **IOWA**

ADDRESS: Campaign Finance Disclosure Commission,
First Floor, Colony Building,
507 - 10th St.,
Des Moines, Iowa. 50309

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

To: CEO __ Commission x
Secretary of State __

Forms: yes x
Audit: yes x

P.A.C. Regulation: yes x

Detail:

	name	address	amount	threshold amount	date	(1) employer/purpose (2)
1. contribution	x	x	x	$100 statewide $ 25 non-statewide	x	
2. expenditure	x	x	x	$ 5	x	

Time of filing:

	before	after
primary		
general election		

20th day of January, May, July, October of each year. January report is the annual report.
30 days after dissolution of committee -- committee shall not dissolve until all debts/obligations settled.

Comments:
Filing required only if contributions or expenditures more than $250/year.
- Organizational report required of committees within 10 days of organization.
- 25th January report required from State Statutory Committee to confirm that all tax check-off funds spent were spent on campaign expenses.

PUBLIC DISCLOSURE

By: Commission
How long records kept:
Manner of disclosure: Open to public inspection

A committee of a national political party is not required to file a disclosure report with the commission if it is required by federal law to file a campaign disclosure report with a federal agency.

CONTROL MECHANISM

Name: Campaign Finance Disclosure Commission
Duties: receive reports x
investigate x
publicize reports __
refer violations to AG x
other complaints procedure
authorize forms
give declatory rulings
levy civil penalties for contravention of Act

Composition:
5 members, not more than 3 from the same political party, appointed by Governor with confirmation by Senate.

Personal financial disclosure required of candidates.

AGENCY

Candidate's agent: Committee*
Function:

* Required if contributions/expenditures exceed $250.

Committee's agent: Treasurer/Chairman
Function: 1. Keep accounts and records
2. File reports

NOTE: Chairman or candidate to authorize expenditures.

FUNDING PROVISIONS

Manner:	tax deduction	x
	tax credit	
	tax checkoff	x
	reimbursement	
	other	

Detail: $1 check-off to party of choice
$2 for a joint return.

- Each taxpayer may also designate that an additional $2 be deducted from his refund or he may submit an additional $2 beyond the tax owed and designate that the $ be paid over to a designated party or shared between parties.

Distribution:

If the contribution is designated to a party, it goes to the party. If not, then:
(a) if there are two political parties, undesignated money is divided equally between them.
(b) if more than two parties, the money is divided according to the proportion that the number of electors declaring affiliation to each party bears to the number of affiliated electors as a whole.

EXPENDITURE LIMITATIONS

Provisions: None

CONTRIBUTION LIMITATIONS

Provisions: No limits

Prohibition against:

1. Corporate contributions
2. Contributions in the name of another
3. Anonymous contributions

PENALTIES

Violations of Act	- Serious misdemeanor
Late Filings	- Per diem fine - increase as delay increases. Maximum - $100/day for repeat protracted delay.

Statute of Limitations: 1 year

REFERENCE:

Campaign Finance Act 1981
K.S.A. 25-4101 to 25-4179 as amended
to May, 1983.

NAME: **KANSAS**

ADDRESS: Kansas Public Disclosure Commission,
109 W. Ninth,
Topeka, Kansas. 66612

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other party

Forms: yes x sworn
Audit: yes x

To: CEO ___ Commission ___
Secretary of State x

P.A.C. Regulation: yes x

Detail:

	name	address	amount	threshold amount	date	(1) employer	(2) purpose
1. contribution	x	x	x	$50	x		
2. expenditure	x	x	x	$50	x	x	

Time of filing:

	before	after
primary	6	
general election	6	Dec.10

Comments:

- Organizational reports required of committees within 10 days of formation.
- Statements also required at intervals specified by Commission until all debts/obligations discharged.
- Termination report required if committee intends to dissolve.
- Persons making independent expenditures over $100/year to file as do committees, though reports need not be cumulative.
- Out of state contributors must
  - (a) file names, addresses and breakdowns of totals contributed to recipient treasurers who report this to commission, or
  - (b) file a statement of organization.

PUBLIC DISCLOSURE

By: Secretary of State
How long records kept: To be designated by Commission.
Manner of disclosure: Open to public inspection.

CONTROL MECHANISM

Name: Kansas Public Disclosure Commission
Duties: receive reports ___
investigate x
publicize reports ___
refer violations to AG x
other complaints procedure
advisory opinions
rules and regulations

Composition: 5 members
1 appointed by Governor
1 appointed by President of Senate
1 appointed by Speaker, House of Representatives
1 appointed by Minority Leader, House of Representatives
1 appointed by Minority Leader, Senate

-- **Personal financial disclosure required of Candidates.**

AGENCY:

Candidate's Agent: Committee (req'd.)*
Function:
1. Contributions/expenditures must be by or through treasurer
2. Keep accounts (detailed)
3. File reports

*NOTE: The candidate may be the treasurer of the candidate's committee.

Committee's Agent: Treasurer (req'd.)
Function: Same

FUNDING PROVISIONS

Manner:
tax deduction —
tax credit —
tax checkoff —
reimbursement —
other —

Detail:

EXPENDITURE LIMITATIONS

Provisions: No limits

Limitation on advertising:

1. Rates not to exceed charges made for comparable use of space for other purposes.

CONTRIBUTION LIMITATIONS

Provisions:
By individuals, corporations, unions, associations:

	Gov.,Lt.Gov.,Statewide	Sen./Rep.
Primary	$3,000	$750
General	$3,000	$750

Unlimited contributions by candidate and family.

Prohibition against:

1. Contributions in the name of another.
2. Anonymous contributions over $10.

PENALTIES

Exceeding contribution limits
Accepting excess contributions
Knowingly failing to file or
filing a false report - Class A misdemeanor

Failing to file (civil) - $10/day, maximum $300

Date: July, 1983.

REFERENCE:

Kentucky Revised Statutes as
amended to 1982 Campaign Finance
Regulation 121-015 to 121-990.

name: KENTUCKY

ADDRESS: Kentucky Registry of Election Finance,
1604 Louisville Rd.,
Frankfort, Kentucky. 40601

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

Forms: yes x
Audit: yes x

To: C.E.O. __ Commission x
Secretary of State __

P.A.C. Regulation: yes x

Detail:

	name	address	amount	threshold amount	date	(1) employer/occupation	(2) purpose
1. contribution	x	x	x	$100	x	occupation	
2. expenditure	x	x	x	$ 50	x		

Time of filing:

	before	after
primary	32,12	30
general election	32,12	30

By executive committee - 30 days after primary and general.

- If candidates left with surplus/deficit after final report -- supplementary statement due 30 days after post-election report and semi-annual statements thereafter until credit/debit = 0.
- Candidates must file quarterly reports during period between their registration as candidates and first pre-election report.
- Permanent committees must fine quarterly reports.

Comments:

- Threshold amount to define a political issue committee: $1,000 in contributions or expenditures.
- Any person making an independent expenditure of over $100 must report.
- Committees must file a notice of intent upon organizing.

PUBLIC DISCLOSURE

By: Commission
How long records kept: 4 years
Manner of disclosure: Publishing summary
Open to public inspection.

CONTROL MECHANISM

Name: Kentucky Registry of Election Finance
Duties: receive reports x
investigate x
publicize reports x
refer violations to AG x
other complaints procedure
- initiate civil actions
- forms, regulations

Composition: 5 members
2 Democrats, 2 Republicans, appointed by Governor from a list of 3 for each party provided by the State Central Committee. 4 appointed members submit a a list of 2 from which Governor is to appoint a fifth.
Personal financial disclosure required of candidates.

AGENCY

Candidate's agent: Treasurer*
Function:
1. Designate depository
2. Authorize expenditures
3. Account for receipts and disbursements
4. Keep bills for 4 years
5. Receive contributions

* NOTE: Candidate may appoint self as treasurer.

Committee's agent: Treasurer
Function: Same

FUNDING PROVISIONS

Manner:	
tax deduction	x
tax credit	—
tax checkoff	x
reimbursement	—
other surcharge	

Deduction:
1. $100
2. Taxpayers may add $1 surcharge to go to designated party of their choice.

Checkoff:
Funds given to party to be used only
1. In support of party's candidates in general election, or
2. To cover administration costs of party headquarters.

Separate report filed 30 days after general election to account for expenditures of public funds.

EXPENDITURE LIMITATIONS

Provisions: No limits

Advertising limitations:

1. Can't charge excess rates.
2. Advertisement identified by "paid for by..."

CONTRIBUTION LIMITATIONS

Provisions: Individuals - $3,000

Prohibition against:

1. Contributions above $100 being in cash.
2. Contributions in the name of another.
3. Anonymous contributions over $50.
4. Corporate contributions

PENALTIES

Exceeding contribution limits by:
1. Individuals - $ 1,000 fine, 1 year, if lawyer - disbarment.
2. Corporations - $10,000, 30 days to 1 year for individuals, for contributions to candidate.
- $ 500 to $5,000, revocation of charter, for contributions to political organizations.

Knowingly failing to file or filing a false report - $1,000 fine, 1 year

Date: July, 1983.

REFERENCE

Louisiana Revised Statutes
c.11 The Campaign Finances Disclosure Act
as amended to 1982, S.1482-1511.

NAME: **LOUISIANA**

ADDRESS: Election Finance Disclosure Act Office,
(E.F.D.A.O.),
17th Floor, State Capitol,
Baton Rouge, Louisiana. 70804

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other ___

Forms: yes x
Audit: yes ___

To: C.E.O. ___ Commission x
Secretary of State ___

P.A.C. Regulation: yes x

Detail:

	name	address	amount	threshold amount	date	(1) (2) employer/purpose
1. contribution	x	x	x	*	x	
2. expenditure	x	x	x	*	x	x

Time of filing:

	before	after
primary	180, 90, 30 10 days	
general election	10 days	40 days

Comments:

* $1,000 statewide offices
$ 500 district offices
$ 250 all others

-- In addition, during the 20 days prior to the primary, and prior to the general elections, contributions over:
$2,000 for statewide campaigns
$1,000 for district
$ 500 for other
and all expenditures over $200 must be reported within 48 hours.

-- If a candidate's post election report shows a deficit, supplementary annual reports required until deficit resolved.

- If a committee/candidate are active during a calendar year -- i.e. receiving or expending $, annual report required.

- Threshold amount to define a political committee: $500 in contributions received or $ expended.

- "Person" making independent expenditures over $500 must report.

PUBLIC DISCLOSURE

By: Supervisory Committee
How long records kept: 6 years
Manner of disclosure: Public inspection

CONTROL MECHANISM

Name: Supervisory Committee of the E.F.D.A.O.

Duties:

receive reports	x
investigate	x
publicize reports	_
refer violations to AG	x
other	rules, forms, advisory opinions, initiate civil proceedings

Composition: Secretary of Senate, Clerk of the House, Secretary of State, Attorney General.

-- Personal Financial Disclosure required of candidates.

AGENCY

Candidate's agent: Treasurer**

Function:
1. Handle funds
2. File reports
3. Keep accounts

** Candidate shall be his own campaign treasurer, unless he appoints one. He may designate one principal campaign committee to report on his behalf.

Committee's agent: Chairman, treasurer***

Function:
1. Handle funds
2. File reports
3. Keep accounts

*** Subsidiary committees may report to principal committees which in turn report to the E.F.D.A.O.

FUNDING PROVISIONS

Manner:

tax deduction	_
tax credit	_
tax checkoff	_
reimbursement	_
other	_

Detail:

EXPENDITURE LIMITATIONS

Provisions: No limits

1. All expenditures must be authorized and made by cheque.
2. Petty cash may be established, expenditures from petty cash limited to $100.

Advertising:
1. Rates charged may not exceed normal commercial rates.
2. Advertisements must be properly identified as to sponsor.

CONTRIBUTION LIMITATIONS

Provisions: No limits

Non-profit, profit corporations, labour unions professional associations shall not make campaign contributions or expenditures unless approved by:

(1) Vote of the members
(2) Vote of board of directors or executive board
(3) By executive who have been specifically empowered to do so

Prohibitions against:

1. Contributions in name of another
2. Anonymous contributions
3. Cash contributions over $300

PENALTIES

Knowingly failing to file or filing false report	-- Civil - per diem fine -- not in excess of $500/day -- not to exceed $10,000. -- Criminal - $500 and/or 6 months imprisonment.

Date: July, 1983.

REFERENCE

Maine Revised Statutes Annotated, 1964, Title 21-Elections, c.35 - Campaign Reports and Finances; as amended Sept. 1981.

NAME: MAINE

ADDRESS: Department of State,
State of Maine,
Augusta, Maine. 04330

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

Forms: yes x
Audit: yes __

To: CEO __ Commission x
Secretary of State __

P.A.C. Regulation: yes x

Detail:

	name	address	amount	threshold amount	date	(1) (2) employer/purpose
1. contribution	x	x	x	$50	x	
2. expenditure	x		x	all	x	x

Time of filing:

	before	after
primary		
Gubernatorial	42, 7	42
Other	7	42
general election		
Gubernatorial	42, 7	42
Other	7	42

-- organizational reports required from committees within 7 days of organization.

-- non-election years; receipts or expenditures over $1,000--annual report required.

Comments:

Any contribution or expenditure of $1,000 or more made after the last report before the election must be reported within 48 hours.

Supplemental reports every 3 months if there is a surplus or deficit, until it is eliminated.

PUBLIC DISCLOSURE

By: Commission
How long records kept:
Manner of disclosure: Public disclosure

CONTROL MECHANISM

Name: Commission on Governmental Ethics & Campaign Practices

Duties:
- receive reports x
- investigate x
- publicize reports __
- refer violations to AG x
- other __

AGENCY

Candidate's agent: Treasurer or self.
Function: 1. Handle funds
2. Keep records
3. File reports

Committee's agent: Treasurer (req'd.)
Function: Same

FUNDING PROVISIONS

Manner:	
tax deduction	x
tax credit	
tax checkoff	x
reimbursement	
other	

Detail: 1. State allows Federal itemized deductions for purposes of State income tax.

2. Checkoff: $1 surcharge to be paid to specified party.

EXPENDITURE LIMITATIONS

Provisions: No limits

Advertising:

1. All advertisements must be properly identified as to sponsor.

CONTRIBUTIONS LIMITATIONS

Provisions:

1. By individuals - $ 1,000/candidate
   - $25,000/aggregate
2. By committees, corporations, and associations - $ 5,000/candidate

The financing by any person of the dissemination, distribution or republication, in whole or in part, of any broadcast or any written or other campaign materials prepared by the candidate, the candidate's political committee or committees or their authorized agents shall be considered to be a contribution to such candidate.

PENALTIES

Late filing	- $10/business day
Violation of the Act	- Class E Crime

REFERENCE

Summary of Maryland Law relating to
Fair Election Practices (1982)
Annotated Code of Maryland
Article 33, Section 26.

NAME: **MARYLAND**

ADDRESS: State Administrative Board of Election Laws,
11 Bladen St.,
P.O. Box 231,
Annapolis, Maryland. 21404

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other ___

To: CEO ___ Commission x
Secretary of State ___

Forms: yes x
Audit: yes ___

P.A.C. Regulation: yes x

Detail:

	name	address	amount	threshold amount	date	(1) (2) employer/purpose
1. contribution	x	x	x	all	x	*
2. expenditure	x	x	x	all	x	*

* broken down by category

Time of filing:

Candidates

(1) No later than the fourth Tuesday immediately preceding any primary election; and

(2) No later than the second Friday immediately preceding any election which shall be complete through and including the preceding Sunday; and

(3) No later than the third Tuesday after any election or prior to taking office, whichever first occurs; and

(4) If a cash balance exists or if any unpaid bills or deficits remain to be paid as of the end of the period for which the report or statement in section (3) above is filed, on the seventh Tuesday after the election; and

(5) If a cash balance exists or if any unpaid bills or deficits remain to be paid as of the end of the period for which the report or statement in section (4) above is filed, six months after the election; and

(6) If a cash balance exists or if any unpaid bills or deficits remain to be paid as of the end of the period for which the report or statement in section (5) above is filed, one year after the election; and

(7) If a cash balance exists or if any unpaid bills or deficits remain to be paid as of the end of the period for which the report or statement in section (6) above or any subsequent report or statement is filed, annually on the anniversary of the election until no cash balance, unpaid bill, or deficit remains; and

(8) If a cash balance or outstanding debts or deficits were reflected on the last preceding report, but have all been eliminated by the date on which the next report is due, then a report clearly marked as "final" shall be filed on or before such date showing all transactions since the last report.

Committees: Shall file reports as required by (1), (2) and (3) previously mentioned, and annual reports, if their expenditures exceed $51. Organizational report required of committees before commencing activities.

PUBLIC DISCLOSURE

By: Board
How long records kept: 5 years or one year longer than term of office.
Method of Disclosure: Open to public inspection.

CONTROL MECHANISM

Name: State Administrative Board of Election Laws

Duties:	receive reports	x
	investigate	x
	publicize reports	
	refer violations to AG	x
	other forms	

- Personal financial disclosure required of candidates.

AGENCY

Candidate's agent: *Campaign treasurer (req'd.)
Function: 1. Handle funds
2. File reports
3. Keep accounts

* — All expenditures and contributions must pass through treasurer.

Committee's agent: Chairman & treasurer (req'd.)
Function: Same

FUNDING PROVISIONS

Manner:	tax deduction	x
	tax credit	—
	tax checkoff	x
	reimbursement	—
	other	—

Detail:
1. $100 deduction
2. $ 2 add-on for public campaign fund

EXPENDITURE LIMITATIONS

Provisions: No limits

Advertising

1. May only charge normal commercial rates for advertisements.
2. Advertisements must be properly identified as to sponsor.

CONTRIBUTION LIMITATIONS

1. By individuals, corporations, unions: $1,000/candidate to a maximum of $2,500/election.
2. By individuals, corporations, unions: to one or more political committee - $2,500.
3. Transfers between committee/candidate treasurers generally exempt from these limitations.
4. Prohibition against:
   - (a) Anonymous contributions
   - (b) Contributions in the name of another
   - (c) Cash contributions over $100

PENALTIES

1. Violation of the Act	-	Misdemeanor - $1,000 fine 1 year imprisonment - ineligible to hold office for 4 years
2. Late filing fee	-	$10/business date maximum $250 - candidate cannot take office until all reports filed

Statute of Limitations: 3 years

Date: July, 1983.

REFERENCE

Mass. General Laws, c.55, as amended.

NAME: **MASSACHUSETTS**

ADDRESS: Office of Campaign and Political Finance
Commonwealth of Massachusetts,
1 Ashburton Place,
Boston, Mass. 02108

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

Forms: yes x sworn
Audit: yes x

To: CEO __ Commission x
Secretary of State __

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) (2) employer/purpose
1.	contribution	x	x	x	$15*/$25**	x	
2.	expenditure	x	x	x	$15*/$25**	x	x

Time of filing:

	before	after
primary	8	
general election	8	30@*

Final report by Jan. 10 following general election. Supplemental reports each Jan. 10 if contributions received after filing of final report.

Comments:

* $15 - State Senate, State House
** $25 - Statewide elective offices - must designate depository. Initial reports 3 days after designation of depository; final reports by Jan. 10 following election; supplemental reports Jan. 10 thereafter if contributions received after final report.

@* special election
Statement of organization required of political committees
Political committees report as do the candidates they support

PUBLIC DISCLOSURE

By: Office
How long records kept:
Candidate: term of office;
Committes: 2 years.
Manner of disclosure:
Public inspection.

CONTROL MECHANISM

Name: Office of Campaign & Political Finance
Duties: receive reports x
investigate x
publicize reports __
refer violations to AG x
other forms

Composition: 4 members; state chairman of each of the two leading political parties, dean of a law school, secretary of state, appointed by governor. Members select a director.

Personal financial disclosure required of candidates.

AGENCY

Candidate's agent: Self
Function: Same

Committee's agent: Treasurer (req'd.)
Function:
1. Keep account
2. File reports
3. Authorize expenditures

FUNDING PROVISIONS

Manner:
tax deduction ___
tax credit ___
tax checkoff ___
reimbursement ___
other public financing

Detail: Primaries and general elections - funds given to candidates - derived from surcharge added on to tax return.

EXPENDITURE LIMITATIONS

No Limits

Expenditures over $50 to be by cheque

CONTRIBUTION LIMITATIONS

Provisions:

By:

1. Individuals - $1,000/year to candidate
   $1,000/year to party
   $1,000/year to political committees not attached to candidate or party

Prohibition against:

1. Corporate contributions
2. Contributions above $50 being in cash
3. Contributions in the name of another
4. Anonymous contributions

PENALTIES

Exceeding contribution limits:	- Individual $500 fine or 6 months imprisonment - Corporation - $50,000 fine, (maximum) - Corporation's agent - $10,000 fine (maximum) and/or 1 year imprisonment
General violations of the Act	- $1,000 fine, 1 year imprisonment

Date: July, 1983.

REFERENCE

Campaign Finance Reporting
P.A. 388, 1976 as amended to
May, 1982.

NAME: **MICHIGAN**

ADDRESS: Elections Division,
Campaign Finance Reporting Section,
P.O. Box 21026,
Lansing, Michigan. 48901

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other ___

To: CEO ___ Commission ___
Secretary of State x

Forms: yes x
Audit: yes ___

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) (2) employer/purpose
1.	contribution	x	x	x	$20	x	and occupation*
2.	expenditure	x	x	x	$50		x

Time of filing:

	before	after
primary	11	30
general election	11	30

A committee must also file a statement by the following Jan.31st of each year.

- Contributions over $100 received after closing date of pre-election report to be reported within 48 hours.

Comments:

- * if contributed over $200
- Individual making independent expenditure over $100.01 must file report within 10 days.
- Committee must file statement of organization within 10 days of formation and must file financial reports if contributions/expenditures exceed $500.

PUBLIC DISCLOSURE

By: Secretary of State
How long records kept:
Longer of 5 years or 1 year beyond term of office.
Manner of disclosure:
Public inspection

CONTROL MECHANISM

Name: Secretary of State
Duties: receive reports x
investigate x
publicize reports ___
refer violations to AG x
other forms
declatory rulings

AGENCY

Candidate's agent: *Candidate committee (req'd.)

Function:

- * candidate may appoint self as his committee's treasurer

Committee's agent: Treasurer (req'd.)

Function:
1. Receive contributions
2. Authorize expenditures
3. Keep accounts and records
4. File reports

FUNDING PROVISIONS

Manner:	tax deduction	x
	tax credit	
	tax checkoff	x
	reimbursement	
	other	

Detail:

1. $2 tax checkoff to state campaign fund.
2. Major political party nominee is entitled to no more than 75% of spending limit in general election.
3. Must adhere to spending limits.
4. Receives $1 for every $2 qualifying contribution.
5. $50 deduction

EXPENDITURE LIMITATIONS

Provisions: For candidates seeking public funding:

1. Expenditures may not exceed $1,000,000 in the aggregate for 1 election.
2. Expenditures less than 20% of the limits for the purpose of soliciting contributions or expenditures made to purchase media space in order to reply to unfavourable remarks of an editorial, or of an opponent, are exempt.
3. Expenditures over $50 must not be made in cash.

Advertising:
Must disclose name and address of sponsor or contain a disclaimer: "Not authorized..."

CONTRIBUTION LIMITATIONS

Provisions:

1. For candidates seeking public funding by:
   - (a) Individuals: $1,700/election
   - (b) Independent committees: 10 times individual limit
   - (c) State central committee: 25% of candidate's expenditure limit
   - (d) Candidate and family: $25,000/election
2. Prohibitions against:
   - (a) Corporate contributions
   - (b) Anonymous contributions
   - (c) Contributions in the name of another
   - (d) Contributions above $20 being in cash
3. By individuals to:
   - (a) State elective office -$1,700/election
   - (b) State senate -$ 450/candidate
   - (c) State house -$ 250/candidate

4. By committees - 10 times individual limits

PENALTIES

Exceeding contribution limits:

1. Individuals - $ 1,000 fine, 90 days imprisonment

2. Corporations - $10,000 fine

Exceeding expenditure limits - $ 1,000 fine, 90 days imprisonment

Failure to file - $ 1,000 fine, 90 days imprisonment
- late filing penalty $10/day - maximum $300

Date: July, 1983.

REFERENCE

Ethics in Government Act,
Minnesota Statutes c.10A as amended.

NAME: **MINNESOTA**

ADDRESS: Minnesota Ethical Practices Board,
410 State Office Building,
St. Paul, Minn. 55155

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

To: CEO __ Commission x
Secretary of State __

Forms: yes x
Audit: yes x

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) (2) employer/purpose
1.	contribution	x	x	x	$100*/$50**	x	x
2.	expenditure	x	x	x	$100	x	x

Time of filing:

	before	after
primary	10***	
general election	10	

*** 7 days before special primaries and special elections.
30 days after special elections.
Annual reports on Jan. 31st of each year. Contributions of $2,000 or more received after the last report, but prior to an election must be reported by telegram within 48 hours and in the next report.

Comments:

* statewide
** legislature

- Organizational reports from political committees within 14 days of their contributions/expenditures exceeding $100. (threshold for financial report requirements)
- Individuals making independent expenditures over $100 must report as would a committee.

PUBLIC DISCLOSURE

By: State Ethical Practices Board
How long records kept: 5 years
Manner of disclosure: Public inspection
Annual report to legislature.

CONTROL MECHANISM

Name: State Ethical Practices Board

Duties: receive reports x
investigate x
publicize reports x
refer violations to AG __
other forms
advisory opinions

- Personal financial disclosure required of candidates.

Composition: 6 members appointed by Governor with advice and consent of 3/5 of State Congress sitting separately;

- No more than 3 members from same party.

AGENCY

Candidate's agent: Principal candidate's committee (req'd.)
Function: Same

Committee's agent: Treasurer
Function:
1. Receive contributions
2. Authorize expenditures
3. Keep records & accounts
4. File reports

FUNDING PROVISIONS

Manner:	
tax deduction	___
tax credit	x
tax checkoff	x
reimbursement	___
other	___

Tax credit: 50% of contribution to maximum of $50 per individual, $100 per couple. No credit allowed for contribution to candidate who has not agreed to limit his campaign expenditures.

Tax checkoff:
$2 to state elections campaign fund ($4 for joint return) may be designated to be paid by the taxpayer. The funds may be specifically allocated to the party of the taxpayer's choice.

EXPENDITURE LIMITATIONS

Provisions: For candidates seeking public funding.

* 1. Governor and Lt.Governor running jointly--greater of 12½¢ per capita or $600,000.
2. AG--greater of 2½¢ per capita or $100,000.
3. Secretary--greater of 1¼¢ per capita or $50,000.
4. State senator--20¢ per capita or $15,000.
5. State representative--20¢ per capita or $7,500.

If, in a primary, the successful candidate receives less than twice as many votes as anyone of his opponents, he may have added to the aggregate an amount equal to 20% of his limit or the amount actually expended, whichever is less.

* Amounts adjusted in accordance with consumer price index 1967 = base year.

CONTRIBUTION LIMITATIONS

Provisions:

Prohibitions against --
1. Corporate contributions
2. Anonymous contributions above $20

Individual contributions limited to 10% of spending limit

Political party contributions to candidate's committee restricted to 5 times the amount that can be contributed to candidate by a political committee

No limit on candidate's contribution to his own campaign

No contributions from an individual, a political committee or political fund in excess of:

1. Governor & Lt.Governor running jointly	
election year	$60,000
other year	$12,000
2. AG-election	
year	$10,000
other year	$ 2,000
3. Secretary	
election year	$ 5,000
other year	$ 1,000
4. Senator	
election year	$ 1,500
other year	$ 300
5. Representative	
election year	$ 750
other year	$ 150

PENALTIES

1. Exceeding limits -- Fine equal to 4 times the excess
2. Violation of reporting requirements -- Misdemeanor
3. Late filing fee Jan. 31st report -- $5/day maximum $100
   Pre-election report $50/day maximum $500

REFERENCE

Mississippi Code 1972, Annotated,
Title 23 - Elections, C.3 - Corrupt
Practices, s.23-3-1 to 23-3-71.

NAME: **MISSISSIPPI**

ADDRESS: Secretary of State,
P.O. Box 136,
Jackson, Mississippi. 39205

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

To: CEO __ Commission __
Secretary of State x

Forms: yes x sworn
Audit: yes __

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) (2) employer/purpose
1.	contribution	x		x	$500		
2.	expenditure	x			$250		x

Time of filing:

	before	after
primary		
general election		

Contributions over $500 - 5th of every month during campaign and Saturday before election day.
Expenses over $250 - within 60 days of election (travelling and subsistence expenses don't have to be reported).

PUBLIC DISCLOSURE

By: Secretary of State
How long records kept: 4 years
Manner of disclosure: Open to public inspection

CONTROL MECHANISM

Name: Secretary of State

Duties: receive reports x
investigate __
publicize reports __
refer violations to AG __
other __

- Personal financial disclosure required of candidates.
- Elector may file a complaint in circuit court with certification by two practicing attorneys that they have investigated the complaint, elector shall give cost bond of $300.

AGENCY

Candidate's agent: Campaign manager

Function: File reports

Committee's agent: Chairman/chief financial officer

Function: File reports

FUNDING PROVISIONS

Manner:	tax deduction	___	Detail:
	tax credit	___	
	tax checkoff	___	
	reimbursement	___	
	other	___	

EXPENDITURE LIMITATIONS

Provisions: No limits

Candidates must authorize election literature and authorization must be clearly shown.

CONTRIBUTION LIMITATIONS

Provisions:

Corporations limited to $1,000/year to any committee, party or candidate.

PENALTIES

Violation of the Act	--	Corrupt practice - misdemeanor $3,000 fine
Corporation exceeding contribution limits	--	Fine -- not less than $1,000 -- not more than $5,000

No candidate to be certified as nominated or elected until reports are filed.

REFERENCE

Missouri Campaign Finance and Disclosure Law, c.130 (1978) as amended to May, 1982.

NAME: **MISSOURI**

ADDRESS: Office of the Secretary of State,
State Capitol,
Jefferson City, Missouri. 65102

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

Forms: yes x sworn
Audit: yes __

To: CEO __ Commission __
Secretary of State x

P.A.C. Regulation: yes x

Detail:

	name	address	amount	threshold amount	date	(1) (2) employer/purpose
1. contribution	x	x	x	$50		
2. expenditure	x	x	x	$50	x	x

Time of filing:

	before	after
primary	40, 7	30
general election	40, 7	30

Supplemental reports each 90 days after election if there is a surplus or deficit greater than $500.

If expenditure over $500, or contribution over $50 from single individual received, annual reports to be filed in January.

Late contributions — over $1,000 statewide; over $500 non-statewide to be reported within 48 hours.

Comments:

- Committees - threshold amount - must report if expenditures/contributions exceed $500 - organizational report within 20 days of formation.
- Individual making independent expenditure over $500 must report within 14 days.
- Internal dessimination of campaign material by organization, union, corporation, at a cost of over $2,000 to be reported within 14 days.

PUBLIC DISCLOSURE

By: Secretary of State
How long records kept: 5 years
Manner of disclosure: Open to public inspection
Annual report

CONTROL MECHANISM

Name: Secretary of State
Duties: receives reports
establishes forms, manuals

Campaign Finance Review Board
Composition: (6 members appointed by Governor, no more than 3 members of same political party)
-- assist Secretary of State
-- investigate
-- complaints procedure
— refer violations to prosecuting attorney

AGENCY

Candidate's agent: *Candidate committee
Function: Same

***NOTE:** Candidate may appoint self as candidate committee and/or treasurer.

Committee's agent: Treasurer (req'd.)
Function:
1. Receive contributions
2. Make expenditures
3. Keep accounts
4. File reports

FUNDING PROVISIONS

Manner:
tax deduction ___
tax credit ___
tax checkoff ___
reimbursement ___
other ___

Detail:

EXPENDITURE LIMITATIONS

Provisions: No limits

-- Expenditures over $25 to be made by cheque.
-- Advertisements to be properly identified.

CONTRIBUTION LIMITATIONS

Provisions: No limits

Corporate/union contributions acceptable if:

1. Board of directors of corporation directly or indirectly authorizes.
2. Members of labour union authorize by majority vote.

Prohibitions:

-- Anonymous contributions over $10
-- Cash contributions over $49.99
-- Contributions in name of another

PENALTIES

Violation of the Act -- Class A misdemeanor

Statute of Limitations: 3 years

REFERENCE

Montana Code Annotated
Title 13 c.35, 36 and 37 as amended
1981.

NAME: **MONTANA**

ADDRESS: Commissioner of Political Practices,
Capitol Station,
Helena, Montana. 59620

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other ___

Forms: yes x sworn
Audit: yes ___

To: CEO ___ Commission *
Secretary of State ___

* The Commissioner
P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) (2) employer/purpose
1.	contribution	x	x	x	$25		and occupation
2.	expenditure	x	x	x	all	x	x

Time of filing:

	before	after
primary	15 & 5*,10**	20
general election	15 & 5*,10**	20

*Statewide candidates only. Also must file reports on 10th day of March and September of election year, within 24 hours of receiving a contribution of $500 or more after the last pre-election report and on 10th of March and September of each year so long as there remains a balance or deficit.

**Other than statewide offices, also within 24 hours of receiving a contribution of $100 or more after the last pre-election report.

Comments:

Organizational report required of committees within 5 days of first expenditure.

PUBLIC DISCLOSURE

By: Commissioner of Political Practices
How long records kept: 10 years
Manner of disclosure: Public inspection
-- Public summaries and reports
-- Annual report to legislation

CONTROL MECHANISM

Name: Commissioner of Political Practices
Duties: receive reports x
investigate x
publicize reports x
refer violations to AG *
other prescribe rules

* If AG takes no action -- may hire attorneys to prosecute violations, civil or criminal of the Act.

Composition:
Appointed by Governor - 6 year term.
-- Personal financial disclosure required of statewide candidates.

AGENCY

Candidate's agent: Campaign Treasurer (req'd.)
Function:
1. Receive contributions
2. Authorize expenditures
3. Keep records and accounts
4. Prepare reports

Committee's agent: Campaign Treasurer (req'd.)
Function: Same

FUNDING PROVISIONS

Manner:	
tax deduction	x
tax credit	x
tax checkoff	x
reimbursement	—
other	—

Detail:
1. $50 deduction
2. $1 add-on for public campaign fund.

-- Money paid over in equal amounts to all eligible candidates 5 months before election.

EXPENDITURE LIMITATIONS

Provisions:

1. All expenditures must come from a designated depository.

Advertising:

1. All advertisements must be properly identified.

CONTRIBUTION LIMITATIONS

Provisions:

1. By individuals to:
(a) Governor & Lt.Gov. jointly - $1,500
(b) Other statewide elections - $ 750
(c) State senator - $ 400
(d) Other public office - $ 250

in the aggregate for all elections.

2. By independent committees to:
(a) Governor & Lt.Gov. jointly - $8,000
(b) Other statewide offices - $2,000
(c) Senate - $ 600
(d) House - $ 300

in the aggregate for all elections.

3. Prohibition against:
(a) Corporate contributions
(b) Contributions in the name of another
(c) Anonymous contributions

PENALTIES

1. Illegal contributions/expenditures -- $1,500 fine or 3 times the unlawful contribution or expenditure, whichever is greater
2. Other violations of the Act -- Misdemeanor
3. Elected official in violation of Act -- Removed from office

Statute of Limitations: 4 years

Date: July, 1983.

REFERENCE

Nebraska Political Accountability and Disclosure Act, as amended January 1st, 1982.

NAME: **NEBRASKA**

ADDRESS: Nebraska Accountability & Disclosure
Commission,
11th Floor, State Capitol,
P.O. Box 95086,
Lincoln, Nebraska. 68509

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

To: C.E.O. __ Commission x
Secretary of State __

Forms: yes x sworn
Audit: yes x

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) (2) employer/purpose
1.	contribution	x	x	x	$100	x	
2.	expenditure	x	x	x	$100		x

Time of filing:

	before	after
primary	30, 10	40
general election	30, 15	40

Late contributions of $500 or more received after the final pre-election report must be reported within 5 days of their receipt. Independent expenditures over $100 must be reported within 10 days.

Comments:
Corporations, unions must report any contributions or services (volunteer) within 10 days of the end of the calendar month in which expenditure or service took place.
Statement of organization required of committees within 10 days of formation (threshold amount $1,000 received or expended).
Annual reports, June 1st, if committee received or expended over $1,000.

PUBLIC DISCLOSURE

By: Commission
How long records kept: 5 years
Manner of disclosure: Public inspection
Publication of summaries.

CONTROL MECHANISM

Name: Nebraska Accountability and Disclosure Commission
Duties: receive reports x
investigate x
publicize reports x
refer violations to AG __
other initiate civil & criminal actions
advisory opinions
rules and regulations
forms
suspend or modify reporting requirements if good cause shown

Composition:
9 members including Secretary of State
4 members appointed by Governor
4 members appointed by Secretary of State
Not more than 4 of the 8 members to be of the same political party
Personal financial disclosure required of candidates

AGENCY

Candidate's agent: Candidate committee (req'd.)*
Function: Same

* Candidate may appoint self as committee and/or treasurer.

Committee's agent: Treasurer

Function:
1. Receive contributions
2. Authorize expenditures
3. Keep records and accounts
4. File reports

FUNDING PROVISIONS

Manner:
tax deduction —
tax credit —
tax checkoff —
reimbursement —
other —

EXPENDITURE LIMITATIONS

Provisions: No limits

Advertisements to be properly identified as to sponsor.

CONTRIBUTION LIMITATIONS

Provisions: No limits

Prohibition against:

1. Contributions above $50 being in cash
2. Anonymous contributions
3. Contributions in the name of another

PENALTIES

Late filing -- $300 fine, $10/day fee

General violations of the Act -- Class III misdemeanor

REFERENCE

State of Nevada Election Laws
N.R.S. Title 24 Election Campaign
Practices c.294A

NAME: **NEVADA**

ADDRESS: Secretary of State,
State Capitol,
Carson City, Nevada. 89701

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee ___
other ___

Forms: yes x
Audit: yes ___

To: CEO ___ Commission ___
Secretary of State x

P.A.C. Regulation: yes ___

Detail:

		name	address	amount	threshold amount	date	(1) employer/(2) purpose
1.	contribution	x	x	x	$500	x	
2.	expenditure	x	x	x	all	x	

Time of filing:

	before	after
primary		
general election	15	30

Comments:
Individual making independent expenditure over $500 to report as does candidate.

PUBLIC DISCLOSURE

By: Secretary of State
How long records kept:
Manner of disclosure: Public inspection

CONTROL MECHANISM

Name: Secretary of State
Duties: receive reports x
investigate x
publicize reports ___
refer violations to AG x
other prescribe rules, forms

Personal financial disclosure required of candidates.

AGENCY

Candidate's agent:
Function:

Committee's agent:
Function:

FUNDING PROVISIONS

Manner: tax deduction ___
tax credit ___
tax checkoff ___
reimbursement ___
other ___

Detail:

EXPENDITURE LIMITATIONS

Provisions:

Advertising:

1. Candidates must authorize political advertisements
2. Publishers and broadcasters must keep record of costs of political advertisements run, and make this information available for public inspection for the period 10 days before the election to 30 days after.

CONTRIBUTION LIMITATIONS

Provisions:

PENALTIES

1. Violations of reporting provisions -- Gross misdemeanor

Date: July, 1983.

REFERENCE

New Hampshire Revised Statutes Annotated c.664 Political Expenditures and Contributions.

NAME: **NEW HAMPSHIRE**

ADDRESS: Secretary of State,
State House,
Concord, New Hampshire. 03301

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other _

Forms: yes x sworn
Audit: yes _

To: CEO _ Commission _
Secretary of State x

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) employer	(2) purpose
1.	contribution	x	x	x	$25/*$100			
2.	expenditure	x	x	x	all			x

* If over $100, occupation must be reported as well.

Time of filing:

	before	after
primary		
general election	*	

* The Wednesday three weeks preceding an election.
The Wednesday preceding an election.
Late contributions over $500 to be reported within 24 hours.
Second Friday after an election.
Followed by reports every six months until all deficits or surplus wiped out.

Comments:
- Political committees to register prior to making any expenditures or receiving any contributions.
- If receipts or expenditures exceed $500, must file financial reports.

PUBLIC DISCLOSURE

By: Secretary of State
How long records kept:
Manner of disclosure: Open to public inspection

CONTROL MECHANISM

Name: Secretary of State
Duties: receive reports x
investigate _
publicize reports _
refer violations to AG _
other _

NOTE: A complaints procedure through the Attorney General's office exists.

AGENCY

Candidate's agent: Financial agent (req'd.)*
Function: 1. Handle funds
2. File reports in conjunction with candidates.

Committee's agent: Committee treasurer (req'd.)
Function: 1. Handle funds
2. File reports

* candidate may appoint self

FUNDING PROVISIONS

Manner: tax deduction ___ Detail:
tax credit ___
tax checkoff ___
reimbursement ___
other ___

EXPENDITURE LIMITATIONS

Provisions: No limits

Political Advertising:

1. Rates charged not to exceed normal charged.
2. Advertisements to be marked "political advertising".
3. Must be authorized in writing by candidate or his fiscal agent.
4. Must be signed.

CONTRIBUTION LIMITATIONS

Provisions:

By individuals - $5,000

Prohibition against:

1. Corporation and union contributions
2. Anonymous contributions
3. Contributions in the name of another

PENALTIES

Violation of the Act -- Natural person - misdemeanor
-- Other persons - felony

REFERENCE

The New Jersey Campaign Contributions and Expenditures Reporting Act, N.J.S.A. 19:44A-1 to 19:44A-44

NAME: **NEW JERSEY**

ADDRESS: Election Law Enforcement Commission,
National State Bank Bldg.,
Suite 1114,
28 W. State Street C.N. 185,
Trenton, New Jersey. 08608

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

Forms: yes x sworn
Audit: yes __

To: CEO __ Commission x
Secretary of State __

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) (2) employer/purpose
1.	contribution	x	x	x	all *		
2.	expenditure				all		

* If under $100, no name and address.

Time of filing:

	before	after
primary	7, 25	15
general election	7, 25	15

Subsequent to election until the fund is closed - 60 day intervals (candidates).

Comments:
Reports of political information organizations to be filed by Jan. 31st of each year.
Reports of campaign depositories to be filed 15 days after both primary and general.
Private expenditures above $100 to be reported.
Annual reports by committees of political parties, March 1st.
Individual making independent expenditures over $100 must report.

PUBLIC DISCLOSURE

By: Commission
How long records kept:
Manner of disclosure:
Annual report to Assembly
Open to public inspection
Summaries of reports published

CONTROL MECHANISM

Name: Election Law Enforcement Commission
Duties: receive reports x
investigate x
publicize reports x
refer violations to AG x
other initiate civil actions
extend filing deadlines if good cause shown
advisory opinions
regulations, forms

Composition:
Bipartisan 4 members appointed by the Governor with advice and consent of the Senate.
Personal financial disclosure required of candidates.

AGENCY

Candidate's agent: Campaign treasurer (req'd.)
Function: Handle all funds
File and certify reports

Committee's agent: Campaign treasurer (req'd.)

Function: Handle all funds
File and certify reports

FUNDING PROVISIONS

Manner:
tax deduction ___
tax credit ___
tax checkoff x
reimbursement ___
other public funding

Detail: gubernatorial candidates
$2 of funding for every $1 contribution after the first $50,000 of qualifying contributions.
Primary - max. subsidy 20¢ per voter in last presidential election.
General - max. subsidy 40¢ per voter in last presidential election.
Source - tax checkoff and general treasury funds.

EXPENDITURE LIMITATIONS

(Apply to gubernatorial candidates receiving public funding)

primary - 35¢ per voter in last presidential election
general - 70¢ per voter in last presidential election
Candidate's private expenditure limited to $25,000

Advertising:

Public Broadcasting Authority to provide:
1 hour joint appearance,
1 hour individual appearance.

Summary statements are sent out about all gubernatorial candidates.

CONTRIBUTION LIMITATIONS

Provisions:

By:
1. Individuals, political committees - $800/election (applies to gubernatorial candidates only)
2. County committees and municipal committees (in the same county) of a political party to gubernatorial candidates - $ 10,000 election
- $100,000 in the aggregate (for all counties)

Prohibition against:

1. Anonymous contributions
2. Contributions in the name of another

PENALTIES

1. Violation of filing or reporting provisions - Misdemeanor
2. Violation of limitation provisions - $1,000 fine for 1st offence, $2,000 fine for every subsequent offence.

Date: July, 1983.

REFERENCE

New Mexico Laws 1979,
c.360 as amended by Laws 1981,
c.331.

NAME: **NEW MEXICO**

ADDRESS: Secretary of State,
Executive Legislative Bldg., Rm. 400,
State Capitol,
Sante Fe, New Mexico. 87501

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

To: CEO __ Commission __
Secretary of State x

Forms: yes x sworn
Audit: yes __

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) (2) employer/purpose
1.	contribution	x	x	x	all	x	x
2.	expenditure	x	x	x	all	x	x

Time of filing:

	before	after
primary	10	30
general election	10	30

-- 6 months after 30 day report if surplus or deficit remains
Every subsequent 12 months as long as deficit remains.

Comments:
Act specifies an itemized listing of expenditures.

PUBLIC DISCLOSURE

By: Secretary of State
How long records kept: 2 years
Manner of disclosure: Open to public inspection

CONTROL MECHANISM

Name: Secretary of State and Attorney General
Duties: receive reports x
investigate __
publicize reports __
refer violations to AG __
other forms

Secretary of State transmits all forms to A.G. who examines for discrepancies and releases a report.
Personal financial disclosure required of candidates.

AGENCY

Candidate's agent: Self or committee
Function: Same

Committee's agent: Treasurer (req'd.)
Function:
1. Handle funds
2. Keep accounts or receipts and disbursements
3. File reports

FUNDING PROVISIONS

Manner: tax deduction ___ Detail:
tax credit ___
tax checkoff ___
reimbursement ___
other ___

EXPENDITURE LIMITATIONS

Provisions: No limits

Advertisements to include name of sponsor or authorizer

CONTRIBUTION LIMITATIONS

Provisions: No limits

Anonymous contributions may be accepted
Those over $50 to be reported as to date and amount.
Contributions from insurance companies prohibited.

PENALTIES

Knowingly failing to file or filing false report - Petty misdemeanor - fine min. $200; max. $1,000, and/or 3 month imprisonment

Failure to identify advertisement - 4th degree felony for persons, organizations who publish such material, misdemeanor for circulating it

Late filing penalty - $10/business day

Candidate failing to file - Certification of nomination or election denied

Date: July, 1983.

REFERENCE

New York State Election Law
Article 14. S.100 to 128.

NAME: NEW YORK

ADDRESS: State Board of Elections,
99 Washington Avenue,
Albany, New York. 12210

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other ___

To: CEO ___ Commission x
Secretary of State ___

Forms: yes x
Audit: yes ___

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) (2) employer/purpose
1.	contribution	x	x	x	$99	x	
2.	expenditure	x	x	x	$50	x	x

Time of filing:

	before	after
primary	32, 11	27
general election	32, 11	27

Also, 15th of January and July until candidate or committee terminates activity. Contributions of more than $1,000 received after the last report before an election but before the election to be reported within 24 hours.

Comments:

Statement of organization required from committees before $ received or expended.

Financial reports required if expenditures exceed $ 50/year - ongoing committee - $100/election - single issue committee.

PUBLIC DISCLOSURE

By: State Board of Elections
How long records kept: 5 years
Manner of disclosure: Public inspection

CONTROL MECHANISM

Name: State Board of Elections
Duties: receive reports x
investigate x
publicize reports ___
refer violations to AG x
other advisory opinions

AGENCY

Candidate's agent: Self/committee
Function: Same

Committee's agent: Treasurer (req'd.)
Function:
1. Keep accounts
2. File reports
3. Authorize expenditures
4. Receive contributions

FUNDING PROVISIONS

Manner: tax deduction ___ Detail:
tax credit ___
tax checkoff ___
reimbursement ___
other ___

EXPENDITURE LIMITATIONS

Provisions:
1. Expenditures above $100 must be made by cheque.

Advertising:
1. Records of political literature, advertisements and broadcasts are to be filed with required financial statements.

CONTRIBUTION LIMITATIONS

A. Individual Contribution Limits

1. Statewide Office
   Primary Election - No. of enrolled voters in candidate's party x $.005.
   General Election - No. of registered voters in the State x $.005.
2. State Senator
   Primary Election - No. of enrolled voters in candidate's party in district x $.05 or $4,000 - whichever is greater.
   General Election - No. of registered voters in district x $.05 or $4,000 - whichever is greater.
3. Member of Assembly
   Primary Election - No. of enrolled voters in candidate's party in district x $.05 or $2,500 - whichever is greater.
   General Election - No. of registered voters in district x $.05 or $2,500 - whichever is greater.
4. All Other Offices
   Primary Election - No. of enrolled voters in candidate's party in district x $.05.
   General Election - No. of registered voters in district x $.05.
5. Maximum-Minimum - Regardless of the limits stated above, each individual may contribute at least $1,000 to any campaign and in no case may the contribution exceed $50,000. There is also a $150,000 overall limit that a person may not exceed for all political activity in a calendar year.

B. Family Contributions

The family collectively may not exceed the following limits. Family is considered to be the candidate's child, parent, grandparent, brother and sister and their spouse.

1. Statewide Office - The same formula as the individual limits except that the multiplier is $.025.
2. State Senator - The same formula as the individual limits except that the multiplier is $.25; or $20,000, whichever is greater.
3. Member of Assembly - The same formula as the individual limits except that the multiplier is $.25; or $12,500, whichever is greater.
4. All Other Offices - The same formula as the individual limits except that the multiplier is $.25.
5. Maximum - Regardless of the limits stated above, no family contribution may exceed $100,000 except in the case of statewide office for which there is no overall limit.

C. Corporations

The same as the individual limits except that no corporation may expend more than $5,000 for all New York State political activity in a calendar year. The expense incurred in administering a PAC is considered a contribution to the PAC by the corporation. (SBE Opinion No.5, 1975)

D. Contributions Exempt from Limits

1. Contributions by a candidate or the candidate's spouse to the candidate's campaign.
2. Contributions by a party or constituted committee. (See Section II, A2,(a)&(c) for definition of party and constituted committees)
3. Contributions made to political committees who are independent of a candidate, or his agent, or his authorized political committee. The term independent of a candidate or his agent or his authorized political committee shall mean that the candidate or his agent or authorized political committee did not

authorize, request, suggest, foster or cooperate in any activity of the person or political committee.

4. Exchange of funds between a candidate and his authorized committee or an exchange of funds between authorized committees solely supporting the same candidate.

Prohibition against:

(a) Anonymous contributions
(b) Cash contributions above $100
(c) Contributions in the name of another

PENALTIES

1.	Wilful failure to file	- Misdemeanor - civil penalty - fine $100
2.	Making or receiving illegal contributions	- Misdeneanor
3.	Wilful performance of acts for the purpose of evading contribution limitations	- Class E felony

Date: July, 1983.

REFERENCE

General Statutes of North Carolina,
c.163, Article 22A, 22B.

NAME: **NORTH CAROLINA**

ADDRESS: Campaign Reporting Office,
State Board of Elections,
P.O. Box 1934,
Raleigh, N.C. 27602

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other ___

To: CEO ___ Commission x
Secretary of State ___

Forms: yes x sworn
Audit: yes ___

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) (2) employer/purpose
1.	contribution	x	x	x	$100	x	
2.	expenditure	x	x	x	$ 25	x	x

Time of filing:

	before	after
primary	10	10
general election	10	10

Supplemental reports when necessary to be filed each Jan. 7th.

Final reports for candidates eliminated in primary to be filed 45 days after primary.

Annual reports required any year $ received or spent and no report otherwise required.

Comments:

Statements from media to be filed 10th day after primary, 10th day after general election and supplementary report January 7th, showing media expenditures of candidates, treasurers and individuals.

Statements of organization required of candidates and committees within 10 days of filing/formation.

Individuals making independent expenditures over $100 must report within 10 days of the expenditure.

PUBLIC DISCLOSURE

By: State Board of Elections
How long records kept: 2 years at Board,
10 years at Public Archives.
Manner of disclosure: Public inspection.

CONTROL MECHANISM

Name: State Board of Elections
Duties: receive reports x
investigate x
publicize reports ___
refer violations to AG *
other forms

* District Attorney

AGENCY

Candidate's agent: Treasurer (req'd.)*
Function: 1. Accept contributions
2. Authorize expenditures
3. Keep accounts and records
4. File reports

Committee's agent: Treasurer (req'd.)
Function: Same

* candidate may appoint self

FUNDING PROVISIONS

Manner:		
	tax deduction	x
	tax credit	x
	tax checkoff	x
	reimbursement	
	other	

Detail:

1. $50 deduction
2. $1 check-off for political party.
   North Carolina Campaign Elections Fund
   - Source: tax checkoff.
   Funds allocated to parties by State Treasurer.
   Parties distribute funds between party and candidates for gubernatorial and statewide races.

EXPENDITURE LIMITATIONS

Provisions:

Media Expenses for Governor, Lt. Governor, and Council of State - 10¢ times voting age population.

All expenditures for media expenses by cheque only and reported separately.

All other expenditures (except postage) over $25, by cheque only.

Advertisements must bear name of sponsor. Normal commercial charges for political advertising.

CONTRIBUTION LIMITATIONS

Provisions:

By individuals, political committees
- $4,000/election (candidate and his/her family, exempt)

Prohibition against:

1. Corporate or trade union contributions
2. Contributions in the name of another
3. Contributions above $100 being in cash
4. Anonymous contributions

PENALTIES

1. Exceeding contribution limits - $1,000 fine, 1 year imprisonment
2. Exceeding media limits - Misdemeanor, $5,000 fine, 1 year imprisonment
3. Violation of corporate/union restrictions - Fine: minimum $100, maximum $5,000 and/or 1 year imprisonment

4. General violation of Act	- Misdemeanor - fine maximum $1,000 - individual maximum $5,000 person not an individual and/or 1 year imprisonment
5. Candidate failing to file	- Declaration of nomination or certification of election withheld

NOTE: No response was received from North Dakota to the 1983 Survey. The following information is entirely as per 1978 Report.

REFERENCE

North Dakota Century Code (1971) Title 16-Elections, c.16-20 Corrupt Practices. S.16-20-01 to 16-20-24, 1973 Supp: Amendment: political advertisements.

NAME: **NORTH DAKOTA**

ADDRESS: Secretary of State,
State Capitol,
Bismarck, North Dakota. 58501

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS- none

By: candidate _ committee _
other ____________

Forms: yes _
Audit: yes _

To: CEO _ Commission _
Secretary of State _

Detail:

	name	address	amount	threshold amount	date	(1) employer/(2) purpose
1. contribution						
2. expenditure						

Time of filing:

	before	after
primary		
general election		

Comments:

PUBLIC DISCLOSURE none

By:
How long records kept:
Manner of disclosure:

CONTROL MECHANISM none

Name:
Duties: receive reports _
investigate _
publicize reports _
refer violations to AG _
other _

Composition:

AGENCY none

Candidate's agent:
Function:

Committee's agent:
Function:

FUNDING PROVISIONS

Manner: tax deduction ___
tax credit ___
tax checkoff ___
reimbursement ___
other ___

Detail:

EXPENDITURE LIMITATIONS

Provisions:

15% of Annual Salary or $500, whichever is greater, for each of primary and general election.

Political advertisements to disclose name and address of sponsor.

CONTRIBUTION LIMITATIONS

Provisions:

Prohibition against:

1. Corporate contributions
2. Contributions in the name of another.

PENALTIES

Exceeding expenditure limits - Deprivation of nomination for office.

REFERENCE

Ohio Revised Code, Annotated, Title xxxv - Elections, c.3517, 3599 as amended January, 1980.

NAME: **OHIO**

ADDRESS: Secretary of State,
Columbus, Ohio. 43216

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other party

To: CEO __ Commission __
Secretary of State *

Forms: yes x
Audit: yes __

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) employer	(2) purpose
1.	contribution	x	x	x	$25*			
2.	expenditure	x	x	x	$25**	x	x	

Time of filing:

	before	after
primary	12	45
general election	12	45

Annual statements last business day in November, unless no expenditures made, contributions received, and no balance or deficit remaining.

Comments:

* Applies only to social or fund-raising activity. All other cases, each expenditure or contribution must be listed.

** Any expenditure over $25 to be vouched for by receipted bill.

- -- Threshold amount for political committees to file financial reports $1,000 received or spent.
- -- Statewide candidates file with Secretary of State. Senator and representative candidates file with county Board of Elections of the county with largest population in their district.

PUBLIC DISCLOSURE

By: Secretary of State/Board of Elections
How long records kept: 6 years
Manner of disclosure: Public inspection

CONTROL MECHANISM

Name: Secretary of State
-- establishes rules
-- establishes forms
-- receives reports

Ohio Elections Commission
-- investigates
-- refers violations to prosecutors

Composition: 5 members, 4 appointed by Secretary of State with advice and consent of the Senate. 4 members appoint a fifth.

Personal Financial Disclosure required of candidates.

AGENCY

Candidate's agent: Campaign Committee* (req'd.)
Function:

*NOTE: Candidate may appoint self as committee treasurer

Committee's agent: Campaign Treasurer (req'd.)

Function:
1. Receive contributions
2. Authorize expenditures
3. Maintain accounts and records
4. File reports

FUNDING PROVISIONS

Manner: tax deduction ___ Detail:
tax credit ___
tax checkoff ___
reimbursement ___
other ___

EXPENDITURE LIMITATIONS

Provisions:

Advertising limits:

> Rates charged not to exceed amount charged to general rate advertisers; for radio and T.V., the lowest unit charge.

Political communications must be properly identified.

CONTRIBUTION LIMITATIONS

Provisions:

Prohibition against:

1. Cash contributions over $100
2. Contributions in the name of another
3. Corporate contributions
4. Governmental contractors

Each anonymous contribution must be specified and a reason given why it cannot be attributed to a specific donor.

PENALTIES

1. Failure to file	- $25-$1,000/day fine, depending on statement
2. Concealing or misrepresenting contributions given or received or expenditures made	- Fine of 3 times the amount
3. Knowingly filing a false report	- $10,000 fine, for failure of office
4. Making a corporate contribution	- $500 to $5,000 fine
5. Contravening advertising provisions	- Minor misdemeanor

REFERENCE

Oklahoma Statutes Annotated, 1976,
Title 26; Article XV Campaign
Contributions and Expenditures Act.

NAME: **OKLAHOMA**

ADDRESS: Secretary of the State Election Board,
State Capitol,
Oklahoma City, Oklahoma. 73152

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other party

To: CEO __ Commission x
Secretary of State __

Forms: yes x sworn
Audit: yes __

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) employer	(2) purpose
1.	contribution	x	x	x	$200			
2.	expenditure				all*			

Time of filing:

	before	after
primary	10	
general election	10	40

Supplemental report, if required, to be filed 6 months and 10 days after election.

Comments:

* Expenditures to be broken down by category

PUBLIC DISCLOSURE

By: Secretary of State Election Board
How long records kept:
Manner of disclosure: Public inspection

CONTROL MECHANISM

1. Secretary of State Election Board*
   - -- establishes rules and regulations
   - -- supervises county election boards
   - -- receives reports
   - -- establishes forms
2. Attorney General
   - -- has the duty to examine reports and enforce the Act on receipt of an elector's complaint.

* NOTE:
The Secretary of the State Election Board is the Secretary of the Senate, but is not a member of the Board. The Board has 3 members appointed by the Governor -- 2 from the party with the largest number of registered voters, 1 from the party with the second largest number of registered voters.

Personal Financial Disclosure required of candidates.

AGENCY

Candidate's agent: "Agent"*
Function: Receipt of contributions
Authorize expenditures
Keep records
File reports

Committee's agent: "Agent"
Function: Same

Party's agent: "Agent"
Function: Same

* Candidate may designate self

FUNDING PROVISIONS

Manner:		
	tax deduction	x *
	tax credit	—
	tax checkoff	x **
	reimbursement	—
	other	—

Detail:
- * $100 deduction
- ** Funds given to gubernatorial and statewide candidates and parties.

EXPENDITURE LIMITATIONS

Provisions: No limits

Advertising:

1. Anonymous campaign literature prohibited.
2. Broadcasters must preserve political utterances for 2 years.

CONTRIBUTION LIMITATIONS

Provisions:

1. By individuals:
   - (a) $5,000/political party or organization
     $5,000/candidate for state office
     $1,000/candidate for local office
2. Prohibition against
   - (a) Corporate contributions
   - (b) Contributions under a fictitious name

PENALTIES

Violation of the Act - Misdemeanor, $1,000 fine, 6 months' imprisonment.

3 year limitation period

Date: July, 1983

REFERENCE

Oregon Revised Statutes, c.260, 1981
Replacement Part - Campaign Finance
Regulation, Election Offences.

NAME: **OREGON**

ADDRESS: Secretary of State,
141 State Capitol,
Salem, Oregon. 97310

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

Forms: yes x
Audit: yes __

To: CEO __ Commission __
Secretary of State x

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) (2) employer/purpose or occupation
1.	contribution	x	x	x	$100*$50**		
2.	expenditure	x	x	x	all@		x

Time of filing:

	before	after
primary	21, 7	30
general election	21, 7	30

Supplemental reports where there is a balance or deficit to be filed annually each September 10th until no deficit or balance remains.

Comments:

* Statewide candidates

** Other than statewide, and to a political committee supporting/opposing both statewide and other candidates or measures.

@ The amount and purpose of each expenditure
Expenditures over $50 to be vouched for by receipt.
Expenditures over $100 to list name of person it was made to.

PUBLIC DISCLOSURE

By: Secretary of State
How long records kept: 6 years
Manner of disclosure:
Published summaries available to public

CONTROL MECHANISM

Name: Secretary of State
Duties: receive reports x
investigate x
publicize reports x
refer violations to AG x
other prescribe forms
regulations
civil penalties

Personal financial disclosure required of candidates

AGENCY

Candidate's agent: Principal Campaign Committee Treasurer*
Function:

* Candidate may appoint self treasurer. Candidate is responsible for default or violation by his/her treasurer

Committee's agent: Treasurer
Function:
1. Receive contributions
2. Authorize expenditures
3. Keep accounts and records
4. File reports

FUNDING PROVISIONS

Manner:	tax deduction	___	Detail:
	tax credit	x	Half of political contributions up to $25
	tax checkoff	___	
	reimbursement	___	
	other	___	

EXFENDITURE LIMITATIONS

Provisions: No limits

Advertising limits:

1. All political advertising must be properly identified.
2. False statements prohibited.

CONTRIBUTION LIMITATIONS

Provisions: No limits

Prohibition against:

1. Corporate contributions
2. Contributions in the name of another
3. Contributions over $50 from out of state committees unless accompanied by written statement setting forth particulars of each contributor of more than $100 (for statewide) candidates, or $50 (other offices)
4. Anonymous contributions

PENALTIES

Violations of any provision	- Class A misdemeanor
Failure to file	- Civil penalty - minimum fine $10 day maximum fine 5% of total contributions/ expenditures required to be reported for each day late.
	- Certification of nomination/election withheld.

REFERENCE

Pennsylvania Campaign Expense Reporting Law, Section 1621 to 1642, 1839 to 1851 as amended December 1981.

NAME: **PENNSYLVANIA**

ADDRESS: Secretary of the Commonwealth,
Capitol Building,
Harrisburg, Pennsylvania. 17120.

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

To: CEO __ Commission __
Secretary of State x

Forms: yes x sworn
Audit: yes x

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) employer	(2) purpose
1.	contribution	x		x	$50		*	
2.	expenditure	x		x	all	x		x

Time of filing:

	before	after
primary		30
general election	#	30

# pre-election reports: statewide candidates - 6th Tuesday before, all candidates - 2nd Friday before an election.
Late contributions after final pre-election report over $500 to be reported within 24 hours.
Annual reports due January 31st until no balance or deficit to report.

Comments:

* Contribution over $250 must list occupation/employer.
Committee required to register and file statement of organization when over $250 received in contributions.
Financial reports required when contributions or expenditures exceed $250.
Individual making independent expenditure over $100 to report as does a committee.

PUBLIC DISCLOSURE

By: Secretary of the Commonwealth
How long records kept: 5 years
Manner of disclosure:
Open to public inspection

CONTROL MECHANISM

Name: Secretary of the Commonwealth
Duties: receive reports x
investigate x
publicize reports __
refer violations to AG x
other forms

Personal financial disclosure required of candidates.

AGENCY

Candidate's agent: Political committee/treasurer
Function: 1. Receive contributions
2. Authorize expenditures

Committee's agent: Treasurer (req'd.)

Function: Same

FUNDING PROVISIONS

Manner: tax deduction ___ Detail:
tax credit ___
tax checkoff ___
reimbursement ___
other ___

EXPENDITURE LIMITATIONS

Provisions: No limits

Advertisements:

Must be clearly identified as to sponsor.

CONTRIBUTION LIMITATIONS

Provisions: No limits

Prohibitions Against:

1. Corporate or union contributions
2. Cash contributions over $100
3. Contributions in name of another
4. Anonymous contributions

PENALTIES

1. General violation of Act	- Misdemeanor - $1,000 fine and/or 1 year imprisonment
2. Corporate contributions	- $1,000 to $10,000 fine
3. Wilfully filing a false or misleading report	- Perjury on conviction, disqualification from holding public office
4. Late filing fee	- $10/business day, maximum $250 No certification of nomination/election until reports filed.

Date: July, 1983.

REFERENCE

General Laws of Rhode Island 1956 as amended. Title 17 chapter 25 - Rhode Island Campaign Contribution and Expenditure Reporting Act.

NAME: **RHODE ISLAND**

ADDRESS: Board of Elections,
State House,
Providence, Rhode Island. 02903.

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other —

Forms: yes x
Audit: yes —

To: CEO — Commission x
Secretary of State —

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) (2) employer/purpose
1.	contribution	x	x	x	$200		
2.	expenditure	x	x	x	$ 25		x

Time of filing:

	before	after
primary	28, 7	28
general election	28, 7	28

Annual financial disclosure statements to be filed on or before March 1st.

P.A.C.'s to file additional quarterly reports until committee dissolves.

Comments:

Committees to file notice of organization before receiving or expending $
Threshold amount for defining political committee -- contribution of over $200.
Independent expenditure by individual over $200 to be reported to candidate or committee supported, who will report the expenditure.
Reports NOT required regarding a candidate who expends less than $5,000 ands receives no contribution over $200.

PUBLIC DISCLOSURE

By: Board
How long records kept:
Manner of disclosure:
1. Annual report to Assembly
2. Open to public inspection through Secretary of State

CONTROL MECHANISM

Name: Board of Elections
Duties: receive reports x
investigate x
publicize reports —
refer violations to AG x
other make forms, manuals
rules, regulations
with good cause
may vary filing
deadlines
advisory opinions

Personal financial disclosure required of candidates

AGENCY

Candidate's Agent:	Campaign treasurer* (req'd.)	Committee's Agent:	Same
Function:	1. File reports 2. Receive contributions 3. Authorize expenditures 4. Keep records	Function:	Same

* Candidate may appoint self.

FUNDING PROVISIONS

Manner:		
	tax deduction	
	tax credit	
	tax checkoff	x
	reimbursement	
	other	

Detail:

1. $1 checkoff to political party or general fund.

EXPENDITURE LIMITATIONS

Provisions: No limits

CONTRIBUTION LIMITATIONS

Provisions: No limits

Prohibited:

1. Contributions in name of another
2. Anonymous contributions

PENALTIES

Violations of Act	- Petty misdemeanor; max. $500 fine.

Date: July, 1983.

REFERENCE

South Carolina State Ethics Act
Article IX Campaign Practices.

NAME: **SOUTH CAROLINA**

ADDRESS: State Ethics Commission,
Dennis Bldg., Suite 545,
1000 Assembly St.,
Columbia, S.C. 29201

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

To: CEO __ Commission x
Secretary of State __

Forms: yes x
Audit: yes __

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) employer	(2) purpose
1.	contribution	x		x	$100			
2.	expenditure			x	all			x

Time of filing:

	before	after
primary		30
general election		30

A current list of contributors of more than $100 must be maintained in the final two weeks prior to an election (primary or general). Open to public inspection on request.

Comments:

Expenditures need only be reported in the final report. If contributions are received or expenditures made after the filing of the final report, they must be reported within 10 days of the end of the calendar quarter in which funds were received or expended.

PUBLIC DISCLOSURE

By: Commission
How long records kept:
Manner of disclosure:
1. Open to public inspection
2. Annual report to Assembly

CONTROL MECHANISM

Name: State Ethics Commission
Duties: receive reports x
investigate x
publicize reports x
refer violations to AG x
other complaints procedure
advisory opinions
rules and regulations
forms

Composition:
6 members appointed by Governor (one from each congressional district), upon advice and consent of General Assembly.
4 year terms.

NOTE: There are also Senate and House of Representatives Ethics Committees

Personal financial disclosure required of candidates.

AGENCY

Candidate's agent:
Function:

Committee's agent:
Function:

FUNDING PROVISIONS

Manner: tax deduction ___ **Detail:**
tax credit ___
tax checkoff ___
reimbursement ___
other ___

EXPENDITURE LIMITATIONS

Provisions: No limits

CONTRIBUTION LIMITATIONS

Provisions: No limits

PENALTIES

General violation of the Act	-- Misdemeanor - fine not exceeding $1,000 and/or 90 days imprisonment.

Date: July, 1983.

REFERENCE

South Dakota Compiled Laws, 1975,
Title 12 - Elections, c.12-25
Campaign Financing and Candidates
Financial Statements as amended
to July, 1982.

NAME: **SOUTH DAKOTA**

ADDRESS: Secretary of State,
Department of State,
Pierre, South Dakota. 57501

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

To: CEO __ Commission __
Secretary of State x

Forms: yes x
Audit: yes __

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) (2) employer/purpose
1.	contribution	x	x	x	$100		x
2.	expenditure	x		x	all		

Time of filing:

	before	after
primary	*	
general election	*	

Individual contributions over $500 received within 9 days before an election must be reported within 48 hours of receipt.

Comments:

* Statewide: Candidates and committees report last Tuesday prior to election and annually on Feb. 1st.

Legislature: Candidates and committees report on July 1st and Dec. 31st of election year.

Financial reports required whenever over $500 is received or expended.

PUBLIC DISCLOSURE

By: Secretary of State
How long records kept:
Discretion of Records Destruction Board
Manner of disclosure:
Public inspection

CONTROL MECHANISM

1. Secretary of State - receives reports
   - forms
2. Attorney General - investigates
   - prosecutes violations

AGENCY

Candidate's Agent:
Function:

Committee's Agent:
Function:

FUNDING PROVISIONS

Manner:	tax deduction	—	Detail:
	tax credit	—	
	tax checkoff	—	
	reimbursement	—	
	other	—	

EXPENDITURE LIMITATIONS

Provisions: No limits

Advertising:

All advertisements must be properly identified.

CONTRIBUTION LIMITATIONS

Provisions:

By individual to:

1. Statewide candidate	- $1,000/year
2. Non-statewide candidate	- $ 250/year
3. Political party	- $3,000/year

Does not apply to candidate and his family.

Corporate and Labour Union contributions prohibited*

* Associations may contribute out of funds contributed for the purpose of making political contributions, but not from dues or treasury funds.

PENALTIES

General violation of Act	- Class 2 misdemeanor - Candidate - forfeiture of office - removal from ballot
Intentional false statement	- Perjury

Date: July, 1983.

REFERENCE

Campaign Financial Disclosure Act of 1980
Tennessee Code Annotated, 2-10-101
through 2-10-111

NAME: **TENNESSEE**

ADDRESS: Tennessee State Library and Archives,
403 7th Ave. North,
Nashville, Tennessee. 37219

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

To: CEO __ Commission *
Secretary of State __

Forms: yes x
Audit: yes __

P.A.C. Regulation: yes x
* State Librarian

Detail:

		name	address	amount	threshold amount	date	(1) (2) employer/purpose
1.	contribution	x	x	x	$100		
2.	expenditure	x	x	x	$100		x

Time of filing:

	before	after
primary	7	
general election	7	48

Comments:

Threshold amount for status of political committee - receipt or expenditure of over $250 in one calendar quarter.

Supplemental report required one year after election if balance or deficit exits.

Continuing committees file quarterly reports, within 10 days of Jan. 1st, April 1st, July 1st and October 1st.

PUBLIC DISCLOSURE

By: State Librarian and Archivist
How long records kept: 5 years
Manner of disclosure: Public inspection*

*NOTE: If reports are inspected, candidates/committees are notified within 5 days regarding who inspected, and when.

CONTROL MECHANISM

1. State Librarian and Archivist
   - Receive reports
   - Prescribe forms
   - Prescribe rules
   - Obtain advisory opinions from AG
2. Attorney General
   - Advise librarian
   - Receive complaints
   - Investigate
   - Prosecute violations

Personal financial disclosure required of candidates.

AGENCY

Candidate's agent: Political treasurer (req'd.)*	Committee's agent: Political treasurer (req'd.)
Function: 1. Handle funds 2. Keep accounts and records 3. File reports	Function: Same

*NOTE: candidate may appoint self

FUNDING PROVISIONS

Manner: tax deduction ___
tax credit ___
tax checkoff ___
reimbursement ___
other ___

Detail:

EXPENDITURE LIMITATIONS

Provisions: No limits

CONTRIBUTION LIMITATIONS

Provisions: No limits

PENALTIES

1.	Wilful violation of Act	- Misdemeanor
	Candidate in wilful violation	- Forfeits right to nomination certification of election
2.	Failure to file a statement or wilfully filing false statement	- Fine up to $1,000

Date: July, 1983.

REFERENCE

Texas Election Code c.14
Articles 14.01 through 14.15
as amended to 1983.

NAME: **TEXAS**

ADDRESS: State Election Commission,
State Capitol,
Austin, Texas. 78711

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

Forms: yes x sworn
Audit: yes __

To: CEO __ Commission __
Secretary of State x

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) (2) employer/purpose
1.	contribution	x	x	x	$50 ($10)*	x	x**
2.	expenditure	x	x	x	$50 ($10)*		x

* Monthly reports of general purpose committee only.

** Contributions over $50 to general purpose committee only.

Time of Filing:

	before	after
primary	30, 7	30
general election	30, 7	30

Annual reports January 15th if contributions or expenditures received or made in the preceding year. General Purpose Committee to file whether or not expenditures received or $ expended. General Purpose Committee may choose to file as above, or to file monthly statements.

Comments:
Statements of organization required of committees before contributions received or expenditures made.
Individual making independent expenditure over $100 must report.
Effective Aug. 29th, 1983:
(a) PAC's to register with Secretary of State 30 days before election
(b) Senate candidates receiving contributions over $1,000; House candidates over $200 in the 9 days preceding an election, to report within 48 hours.

PUBLIC DISCLOSURE

By: Secretary of State
How long records kept: 2 years
Manner of disclosure: Public inspection

CONTROL MECHANISM

Name: Secretary of State
Duties: receive reports x
investigate x
publicize reports __
refer violations to AG x
other forms

AGENCY

Candidate's agent: Treasurer* (req'd.)
Function: Same

* candidate may appoint self

Committee's agent: Treasurer (req'd.)
Function: 1. Authorize expenditures
2. Keep records
3. File reports

FUNDING PROVISIONS

Manner: tax deduction —
tax credit —
tax checkoff —
reimbursement —
other —

Detail:

EXPENDITURE LIMITATIONS

Provisions: No limits

Advertising:

1. Advertising rates may not exceed lowest applicable commercial rates.
2. Advertisements must be properly identified as to sponsor.

CONTRIBUTION LIMITATIONS

Provisions:

1. Prohibition against:
    - (a) Corporate and union contributions
    - (b) Contributions above $500 from out-of-state committees unless individual contributors of $100 or more are identified.
    - (c) Cash contributions over $100
    - (d) Contributions in name of another

PENALTIES

1. Failing to file	- Class C misdemeanor $200 fine
2. Knowingly making an unlawful expenditure or accepting an unlawful contribution	- Class A misdemeanor - 1 year imprisonment and/or $2,000 fine plus civilly liable to state for 3 times the amount plus liable to each opponent for double the amount and lawyer's fees.
3. Failure to disclose	- Civilly liable to State for 3 times unreported amount, plus liable for double the amount and lawyer's fees to each opposing candidate.
4. Illegal contributioner Expenditure by Corporation or Labour Union	- Felony 3rd degree Civilly liable - 3 times contribution/expenditure to State -- 2 times contribution or expenditure to each opponent

Date: July, 1983.

REFERENCE

Utah Code Annotated 1953 Title 20 Elections c.14, Corrupt Practices in Elections s.20-14-1 to 20-14-47 as amended to 1983.

NAME: **UTAH**

ADDRESS: Office of the State Auditor,
Salt Lake City, Utah. 84114

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

To: CEO __ Commission __
Secretary of State *

Forms: yes x
Audit: yes __

P.A.C. Regulation: yes x

* State Auditor

Detail:

		name	address	amount	threshold amount	date	(1) (2) employer/purpose
1.	contribution	x	x	x	$50	x	purpose
2.	expenditure	x		x	all	x	x

Time of filing:

	before	after
primary	5	
general election	5	

Also 10th of July, October and December of an election year (statewide).

Party committees need not file the 5th day preprimary report.

Comments:

Candidates for house and senate to file reports 30 days after elections.

Media enterprises which accept expenditures to report on 10th day of June, July, August, Sept., Oct. and Dec. of election year and 5 days prior to election.

PUBLIC DISCLOSURE

By: State Auditor
How long records kept: 5 years
Manner of disclosure:
Open to public inspection

CONTROL MECHANISM

Name: State Auditor
Duties: receive reports x
investigate x
publicize reports
refer violations to AG *
other forms, regulations

Personal financial disclosure required of candidates

* county attorney

AGENCY

Candidate's agent:
Personal campaign committee*
Functions:

- * One member of committee to be appointed secretary. If no committee, then candidate fulfills function of secretary.

Committee's agent: Secretary

Functions:

1. File reports
2. Authorize expenditures
3. Receive contributions

FUNDING PROVISIONS

Manner:	tax deduction	x
	tax credit	
	tax checkoff	x
	reimbursement	
	other	

Detail:
1. $50 tax deduction
2. $ 1 checkoff to political party

EXPENDITURE LIMITATIONS

Provisions:

1. Media limit:
   - Governor - $100,000
   - Other Statewide - $ 50,000
2. No expenditure over $1,000 unless authorized in writing by candidate or committee

CONTRIBUTION LIMITATIONS

Provisions:

No Limits

PENALTIES

1.	Knowingly failing to file a report	- Disqualified until statement is filed
2.	Violation of expenditure laws	- $299 fine and/or 6 mons. imprisonment
3.	Other violations of Act	- Misdemeanor, disqualified from office

Date: July, 1983.

REFERENCE

Vermont Statutes Annotated (1968)
Title 17 c.59 Campaign Finance
s.2801 to 2832 effective July 1st, 1982.

NAME: **VERMONT**

ADDRESS: Secretary of State,
State House,
Montpelier, Vermont. 05602

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other ___

Forms: yes x
Audit yes ___

To: CEO ___ Commission ___
Secretary of State x

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) (2) employer/purpose
1.	contribution	x	x	x	$50		
2.	expenditure	x		x	all	x	x

Time of filing:

	before	after
primary	*40, 10	*10
general election	40, 10	10

* Statewide candidates, political parties and committees--further reports to be filed on July 15th and annually thereafter as long as a deficit or surplus remains.

Candidates for House or Senate to report 10 days before primary, 10 days before general election, 30 days after general election, then on July 15th as per statewide candidates.

Comments:

Must publicly designate a single bank as depository.

Threshold for political committee/candidate status and reporting requirements - contributions or expenditures over $500.

PUBLIC DISCLOSURE

By: Secretary of State
How long records kept:
Manner of disclosure: Public inspection

CONTROL MECHANISM

Name: Secretary of State
Duties: receive reports x
investigate x
publicize reports ___
refer violations to AG x
other forms, rules.

AGENCY

Candidate's agent: Treasurer*
Function: 1. Responsible for maintaining the chequing account.
2. File reports.

Committee's agent: Treasurer
Function: Same

* candidate may appoint self

FUNDING PROVISIONS

Manner: tax deduction ___
tax credit ___
tax checkoff ___
reimbursement ___
other ___

Detail:

EXPENDITURE LIMITATIONS

Provisions: No limits

1. All expenditures must be made by cheque from a single chequing account.

CONTRIBUTION LIMITATIONS

Provisions:

1. Maximum contribution of $1,000 from a single source to candidates and political committees
    - contributions to or from political parties exempt
    - contributions from candidates and families exempt
2. All contributions of $50 or more must be made by cheque.

PENALTIES

1. Failure to file	- No certificate of nomination or election until report is filed.
2. Violations of Act	- $1,000 fine, 6 months imprisonment.

NAME: **VIRGINIA**

ADDRESS: State Board of Elections,
101 Ninth Street Office Building,
Richmond, Virginia. 23219

REFERENCE

Fair Election Practices Act, Code of Virginia, sections 24.1-251 to 24.1-263, 24.1-277 and 24.1-18 as amended to July 1st, 1982.

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

To: CEO __ Commission x
Secretary of State __

Forms: yes x
Audit: yes __

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) (2) employer/purpose
1.	contribution	x	x	x	$100		*
2.	expenditure	x	x	x	$100		x

* contributors of over $250 -- occupation and place of business

Time of filing:

	before	after
primary	30**,8	30
general election	30**,8	30

Where there remains a deficit, supplemental reports to be filed 60 days, 6 months and 1 year and annually thereafter, as required.

Contributions of more than $1,000 (Statewide Offices) or $500 (other offices) received between the 10th day preceding any election must be reported within 72 hours.

Comments:
** Statewide. Non-statewide may omit the report 30 days prior to the election.
Threshold for status of a political committee - $100 in contributions or expenditures.
Individual to report independent expenditures over $100

PUBLIC DISCLOSURE

By: Board of Elections
How long records kept:
Statewide - until next general election
Non-Statewide - one year
Manner of disclosure: Public inspection

CONTROL MECHANISM

Name: State Board of Elections
Duties: receive reports x
investigate x
publicize reports __
refer violations to AG x
other prescribes forms regulations

Composition:
3 members appointed by Governor with approval of assembly - representation of the two major parties. 4 year terms.

Personal financial disclosure required of candidates.

AGENCY

Candidate's agent: Campaign treasurer* (req'd.)

Function:
1. Receive contributions
2. Authorize expenditures
3. Keep records and accounts
4. File reports

* Candidate may act as treasurer

Committee's agent: Campaign treasurer (req'd.)

Function: Same

FUNDING PROVISIONS

Manner:		
	tax deduction	x
	tax credit	___
	tax checkoff	___
	reimbursement	___
	other	___

Detail: S. 58-151.013(d)(1) permits an indirect tax deduction.

EXPENDITURE LIMITATIONS

Provisions: No limits

1. All expenditures must be made by cheque drawn upon the certified campaign depository, except for those under $25 from a petty cash fund.

Advertising:

1. Advertisements must be properly identified.

CONTRIBUTION LIMITATIONS

Provisions: No limits

Prohibited:
1. Anonymous contributions
2. Contributions in name of another

PENALTIES

1. Violations of the Act - Class 4 misdemeanor

2. Failure to file - Disqualified for office

Date: July, 1983.

REFERENCE

Washington State Open Government Act (Initiative 276), Revised Code of Washington, c.42.17 as amended to January 1st, 1983.

NAME: **WASHINGTON**

ADDRESS: Public Disclosure Commission,
403 Evergreen Plaza,
Olympia, Washington. 98504

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

Forms: yes x
Audit: yes __

To: CEO __ Commission x
Secretary of State __

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) (2) employer/purpose
1.	contribution	x	x	x	$25	x	
2.	expenditure	x	x	x	$50		x

Time of filing:

	before	after
primary	21, 7	21
general election	21, 7	21

Additional reports - 10th day of each month in which no other report is filed until final report submitted showing conclusion of campaign, dissolution of committee with no remaining obligations or debts.

Comments:

Candidates or political committees contributing over $500 to other candidates or political committees to report within 24 hours -- recipients must also report within 24 hours.

Individual independent expenditures over $100 to be reported within 5 days, with subsequent reports filed as per political committees if subsequent expenditures are made.

PUBLIC DISCLOSURE

By: Public Disclosure Commission
How long records kept: 10 years
Manner of disclosure: Public inspection

CONTROL MECHANISM

Name: Public Disclosure Commission
Duties: receive reports x
investigate x
publicize reports __
refer violations to AG x
other prescribe forms, rules may suspend reporting requirements for good cause

Composition:
5 members appointed by Governor with advice and consent of the Senate. No more than three members from the same political party.

Personal financial disclosure required of candidates.

AGENCY

Candidate's agent: Treasurer (req'd.)
Function:
1. Receive contributions
2. Authorize expenditures
3. Keep records and accounts
4. File reports

Committee's agent: Campaign treasurer
Function: Same

FUNDING PROVISIONS

Manner:		Detail:
tax deduction	___	
tax credit	___	
tax checkoff	___	
reimbursement	___	
other	___	

EXPENDITURE LIMITATIONS

Provisions: No limits

Advertising:

1. Advertisements must be identified as to sponsors.
2. Commercial advertisers accepting political advertising during an election campaign must maintain their books open for public inspection for 3 years.

CONTRIBUTION LIMITATIONS

Provisions: No limits

1. All contributions must be deposited in a designated campaign depository.
2. Prohibitions against:
   - (a) Anonymous contributions over $300 or 1% of total contributions received in calendar year
   - (b) Contributions made under a fictitious name
   - (c) Contributions made in the name of another
   - (d) Contributions from out-of-state political committee unless that committee files a detailed report

PENALTIES

1.	Violations of the Act	- $10,000 fine (max.)
2.	Violation of Act which probably affected election outcome	- Election void
3.	Late filing	- $10/day
4.	Failure to report contribution/expenditure	- Fine equal to unreported amount

Statute of Limitations - 5 years

NAME: WEST VIRGINIA

ADDRESS: Secretary of State,
Charleston, West Virginia. 25305

REFERENCE

West Virginia Code Annotated, 1971
c.3 - Elections, Article 8 -
Regulation and Control of Elections
as amended to November, 1982.

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

To: CEO __ Commission __
Secretary of State x

Forms: yes x sworn
Audit: yes __

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) employer/(2) purpose
1.	contribution	x	x*	x	all		x*
2.	expenditure	x	x	x	all		x

* Contributors of more than $250

Time of filing:

	before	after
primary	5	30
general election	5	30

Also: On the last Saturday in March or within 15 days thereafter next preceding the primary election day.

PUBLIC DISCLOSURE

By: Secretary of State
How long records kept: 5 years
Manner of disclosure: Public inspection

CONTROL MECHANISM

1. Secretary of State
   - Receive reports
   - Establish forms
2. State Election Commission
   - Rules and regulations
   - Investigate
   - Refer violations to AG

AGENCY

Candidate's Agent: Self or financial agent
Function: Receive contributions
Authorize expenditures
Keep records

NOTE: Candidate is responsible to file reports.

Political Committee's Agent: Financial agent
Function: Keep records
File reports
Receive contributions
Authorize expenditures

Political Party Committee's Agent: Treasurer (req'd.)
Function: Keep records
File reports
Receive contributions
Authorize expenditures

FUNDING PROVISIONS

Manner: tax deduction ___ Detail:
tax credit ___
tax checkoff ___
reimbursement ___
other ___

EXPENDITURE LIMITATIONS

Provisions: No limits

Allowable expenditures specified.

Advertising:

1. Rates to be reasonable and commensurate with services rendered.
2. Advertising agencies to report receipts and expenditures made on behalf of candidates, financial agents or treasurers.

CONTRIBUTION LIMITATIONS

Provisions:

1. Individuals: $1,000/election
2. Prohibition against:
   - (a) Cash contributions above $50
   - (b) Contributions by corporations and government contractors
   - (c) Anonymous contributions
   - (d) Contributions in name of another

PENALTIES

1. Violation of corporate activity restrictions - Max. fine $5,000 - misdemeanor
2. Knowingly failing to file or filing false report - $50 fine, 1 year imprisonment - misdemeanor - candidate certification of nomination/election withheld
3. Contribution over $50 cash - Fine 3 times amount contributed
4. Providing false information to a person required to report under the Act - Misdemeanor

Statute of Limitations - 5 years

Date: July, 1983.

REFERENCE

Wisconsin Statutes Annotated, Title II - Elections, c.11 - Campaign Financing.

NAME: **WISCONSIN**

ADDRESS: State Elections Board,
1 West Wilson Street,
Madison, Wisconsin. 53702

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other _

To: CEO _ Commission x
Secretary of State _

Forms: yes x
Audit: yes x

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) (2) employer/purpose and occupation*
1.	contribution	x	x	x	$20		
2.	expenditure	x		x	$20	x	x

* - If contribution exceeds $100/year

Time of filing:

	before	after
primary	8	30
general election	8	30

Semi-annual reports by Jan.31st and July 10th

Contributions of more than $500 received later than 15 days before an election to be reported within 24 hours.

Comments:

Threshold for requirement to register with board as committee or active individual - $25/year received or expended.

Threshold for financial reporting requirements;

1. political committee contributions/expenditures over $500/year or contributions from single source over $100.
2. political party committee - contributions or expenditures over $1,000, or $100 single source contributions.

Individual making independent expenditures is deemed his own treasurer.

PUBLIC DISCLOSURE

By: State Elections Board
How long records kept: 10 years
Manner of disclosure:

1. Public inspection
2. Annual report

CONTROL MECHANISM

Name: State Elections Board
Duties: receive reports x
investigate x
publicize reports x
refer violations to AG x
other prescribe forms, rules

Personal financial disclosure required of candidates.

AGENCY

Candidate's agent: Campaign treasurer* (req'd.)
Function:
1. Receive contributions
2. Authorize expenditures
3. Keep accounts and records
4. File reports

* Candidate may appoint self

Committee's agent: Treasurer (req'd.)
Function: Same

FUNDING PROVISIONS

Manner:		
	tax deduction	x
	tax credit	—
	tax checkoff	x
	reimbursement	—
	other	—

Detail:
1. $1 checkoff for public campaign fund.
2. Checkoff: Creates Wisconsin Election Campaign Fund -- money apportioned by State treasurer to candidates for gubernatorial and statewide offices in general elections.

The total grants available to any eligible candidate in an election may not exceed that amount which, when added to all other contributions accepted from sources other than individuals and committees of a political party, is equal to 45% of the disbursement level specified for the applicable office.

EXPENDITURE LIMITATIONS

Apply to candidates who accept grant from Wisconsin Election Campaign Fund.

NOTE: Disbursement limits shown are for 1982 -- adjustment for cost-of-living done bi-annually by Board -- base year, 1974.

(a) Candidates for governor, $150,000 in the primary, and $350,000 in the election.
(b) Candidates for lieutenant governor, $100,000 in the primary, and $50,000 in the election.
(c) Candidates for attorney general, $125,000 in the primary, and $125,000 in the general election.
(d) Candidates for secretary of state, state treasurer, justice or state superintendent, $40,000 in the primary and $60,000 in the election.
(dm) Candidates for court of appeals judge, $15,000 in the primary, and $25,000 in the election.
(e) Candidates for state senator, $16,000 total in the primary and election, with disbursements not exceeding $10,000 for either the primary or the election.
(f) Candidates for representative to the assembly, $8,000 total in the primary and election, with disbursements not exceeding $5,000 for either the primary or the election.

1. Anonymous disbursements prohibited. All disbursements must be authorized by treasurer or his designated agents.
2. All expenditures must be made by cheque.

Advertising:

1. Advertisements must be properly identified.

CONTRIBUTION LIMITATIONS

Provision:

1. By individuals* to:
   - (a) Statewide candidates -- $10,000/campaign
   - (b) State senator -- $ 1,000/campaign
   - (c) State representative -- $ 500/campaign
2. By committees other than party committees to:
   - (a) Governor, Lt. Governor, Secretary of State - 4% of disbursement limit
   - (b) Senator -$1,000
   - (c) Representative -$ 500
   - (d) A Political Party -$6,000
3. Prohibition against:
   - (a) Anonymous contributions greater than $10
   - (b) Contributions above $50 being in cash
   - (c) Contributions in the name of another
   - (d) Corporate contributions

* No individual may make any contribution or contributions to all candidates for state and local offices and to any individuals or committees acting in support of or in opposition to such candidates who are subject to a registration requirement including committees of a political party, to the extent of more than a total of $10,000 in any calendar year.

PENALTIES

Violation of the Act	- $500 fine (civil)
Late filing	- The larger of a fine of $50/day or 1% of annual salary of office/day.
Failure to meet registration requirements	- $10,000 fine (max.) and/or 3 years imprisonment.
Violation of contribution or expenditure limits over $100	- $10,000 fine (max.) and/or 3 years imprisonment.
" under $100	- $ 1,000 fine (max.) and/or 6 months imprisonment.

Date: July, 1983.

REFERENCE

Wyoming Statutes, Annotated, Title 22.1
Campaign Reporting Provisions
22-25-101 through 22-25-115 (1982).

NAME: **WYOMING**

ADDRESS: Secretary of State,
Cheyenne, Wyoming. 82002

DISCLOSURE PROVISIONS

REPORTING REQUIREMENTS

By: candidate x committee x
other __

To: CEO __ Commission __
Secretary of State x

Forms: yes x sworn
Audit: yes __

P.A.C. Regulation: yes x

Detail:

		name	address	amount	threshold amount	date	(1) employer	(2) purpose
1.	contribution	x		x	all	x		
2.	expenditure	x		x	all	x		x

Time of filing:

	before	after
primary		*10**7
general election		*10**7

Comments:

* candidates
** political committees
political party central committees

Committees formed subsequent to an election for the purpose of defraying campaign debts to report July 1st and Dec. 31st in odd numbered years until debts paid.

PUBLIC DISCLOSURE

By: Secretary of State
How long records kept:
Manner of disclosure: Public inspection

CONTROL MECHANISM

Name: Secretary of State
Duties: receive reports x
investigate __
publicize reports __
refer violations to AG x
other forms

AGENCY

Candidate's agent: Treasurer/chairman
Function: File reports

Committee's agent: Treasurer/chairman (req'd.)
Function: File reports

FUNDING PROVISIONS

Manner: tax deduction ___
tax credit ___
tax checkoff ___
reimbursement ___
other ___

Detail:

EXPENDITURE LIMITATIONS

Provisions: No limits

Advertising:

1. Advertisements must be properly identified.
2. Excessive advertising rates prohibited.

CONTRIBUTION LIMITATIONS

Provisions:

1. Only natural persons, political parties and committees or campaign committees may make contributions.

2. By individuals other than candidate and family
   - $1,000 for 2 year period consisting of a general election year and the preceding year to any candidate or committee
   - $25,000 in aggregate to all candidates and committees during same 2 year period

3. No limit on contributions by political parties.

PENALTIES

1. Exceeding contribution limits	- $10,000 fine + lawyer's fees
2. Failure to file	- Misdemeanor - candidate certification of election/nomination withheld.
3. Violations of the Act	- Misdemeanor, $1,000 fine, 6 months' imprisonment